PUBLIC
S.F.
LIBRARY

DATE DUE

SFPL OCT 7 - 87

AUG - 6 1996

MAIN LIBRARY

SAN FRANCISCO PUBLIC LIBRARY

3[redacted]

158869

FORM 3431 8-57

COPYRIGHT, 1920
HARVARD UNIVERSITY PRESS

330.8 H26 v.21

Klein, Julius,
1886-1957.
The Mesta : a study in
Spanish economic
1920.

158869

TO

MY MOTHER

PREFACE

Of the many economic problems brought forth by the war, two have stimulated especial interest and have already been made the subject of considerable research. One of these is the national control of raw materials, and the other the economic foundations of newly organized states. It may not be altogether inopportune, therefore, at a time when so much thought is being given to these fundamental matters, to invite attention to the same questions as they appeared in another age and under far different circumstances.

Spanish merino wool was for generations one of the great staples of commerce during the period when modern Europe was in the making. The history of 'the Honorable Assembly of the Mesta,' the Castilian sheep raisers' gild, presents a vivid picture of some six hundred years of laborious effort on the part of one of the great European powers to dominate the production and marketing of that essential raw material. This policy, though primarily concerned with the agrarian affairs of the realm, had, nevertheless, a far wider significance because of its part in the mercantilistic ambitions of the greatest of the Castilian monarchs. The high unit value of wool, its compact, exportable form, and the universal demand for it made it one of the most valued means for determining the relative status of rival monarchies.

As a factor in the laying of the foundations of the Castilian state which rose from the ruins of the Reconquest, the Mesta played an inconspicuous but important part. It was used by each of the stronger sovereigns in turn to carry on a prolonged struggle against the ancient traditions of Spanish separatism — political, racial, and economic provincialism — and to work toward a united peninsula. Its rise synchronized with the successful efforts of the warrior monarchs of the Reconquest to weld their newly won dominions into a nation. Its decline began with the collapse of the monarchy and the triumph of separatist influences under the seventeenth-century Hapsburgs.

The study of the economic development of Spain, and more particularly of its declining centuries, has occupied the attention of many investigators, but their interest has centred chiefly upon the use of economic conditions as convenient explanations of political phenomena. This has been especially true of the general works dealing with the great days of Spanish absolutism in the sixteenth century. A clearer understanding of the interrelation of economic and political factors can be possible only after considerably more attention has been paid to the study of certain special topics which are illustrative of the economic development of the country. Among these lacunae in Spanish historiography there is none more important than the account of the Mesta. The long and active life of this body from 1273 to 1836 has been a notable and in many ways unique feature of Spanish economic history. For hundreds of years it played a vital part in the adjustment of problems involving overseas trade, public lands, pasturage, and taxation.

The extant descriptions of the Mesta are, for the most part, based upon prejudiced discussions and fragmentary documents originating with its numerous opponents. In no case has any use been made of the rich treasury of the Mesta's own archive, which has been in Madrid for nearly three hundred years, untouched and practically unknown. Whether the institution was but a product of strongly intrenched, cunningly directed special privilege pursuing its selfish ends, is a question which even the most recent investigators have too readily answered affirmatively. In its later centuries it unquestionably did contribute much to the agricultural decay of the country; but that circumstance should not obscure an appreciation of its earlier stimulative and constructive influence, both political and economic. Present day scholarship has been too ready to accept the point of view expressed in such seventeenth-century couplets as

"¿Que es la Mesta?
¡Sacar de esa bolsa y meter en esta!"

or

"Entre tres 'Santos' y un 'Honrado'
Está el reino agobiado."

The latter voices the popular contempt for such ancient and once revered institutions as the Santa Cruzada, the Santa Hermandad, the Santo Oficio de la Inquisición, and the Honrado Concejo de la Mesta. It would be safer to accept the observation of Ambrosio de Morales, a distinguished scholar of the period of Philip II: "What foreigner does not marvel at the Assembly of the Mesta, that substantial, ably administered body politic? It not only gives evidence of the infinite multitude of sheep in Spain, but a study of it helps toward a better understanding of our country, if it be possible to understand her." [1]

The almost entire absence of reliable investigations in the field of Spanish agrarian history has made it necessary to base the present study very largely upon hitherto unused manuscript materials, found in the archives of the Mesta and of small towns in remote parts of Castile. For this reason the references in the bibliography and footnotes have been made more extensive than might ordinarily seem necessary, in the hope that suggestions might thus be given for subsequent investigations of such subjects as the domestic and foreign trade of mediaeval Spain, the enclosure movement in the peninsular kingdoms, or Castilian field systems and commons.

The researches upon which this book is based were made possible through two liberal grants from Harvard University for studies in Spain and elsewhere in Europe in 1912–14: the Woodbury Lowery and Frederick Sheldon Fellowships. Whatever merits the volume may have as the first fruit of the Mesta archive as a field for historical study are due entirely to the unfailing courtesies of the Marqués de la Frontera, the late Señor Don Rafael Tamarit, and their colleagues of the Asociación General de Ganaderos del Reino of Madrid, the successor of the Mesta. These gentlemen interrupted the busy affairs of their efficient organization in order to provide every facility for the exhaustive examination of the valuable collection in their possession. Without their cordial coöperation and expert advice upon Spanish pastoral problems this study could not have gone

[1] *Las Antigüedades de las Ciudades de España* (Alcalá de Henares, 1576), p. 40.

beyond the limits of a perfunctory essay. The search for supplementary material was carried into several obscure archives in different parts of the peninsula, where little could have been accomplished without the aid of such helpful friends in Madrid as Professor Adolfo Bonilla y San Martín, Professor Rafael Altamira y Crevea, and Señor Don Arturo G. Cardona. I am especially indebted to Professor Bonilla for many pleasant and invaluable hours of counsel upon mediaeval Spanish law and local institutions. My sincerest thanks are due to the officials of the Real Academia de la Historia and of the great national collections in Madrid, and particularly to the courteous archivists of the Casa de Ganaderos in Saragossa and of the estate of the Duque de Osuna in Madrid. The library of the Hispanic Society of America generously secured copies of scarce volumes and pamphlets which would otherwise have been inaccessible. I am under obligation to Professor Alfred Morel-Fatio of the Collège de France for many thoughtful kindnesses while I was working in the various archives of Paris; to Dr. Constantine E. McGuire of the International High Commission in Washington for advice upon doubtful passages in certain important manuscripts; to Professor Charles H. Haskins of Harvard for constructive suggestions regarding several shortcomings of the investigation; and to Mr. George W. Robinson, Secretary of the Graduate School of Arts and Sciences at Harvard, for assistance in preparing the manuscript for the press.

Among the many friends who have given freely of their valued counsel I must acknowledge especially my great indebtedness to three teachers at Harvard, to whom it has long been my good fortune to be under the heaviest obligations. Professor Archibald C. Coolidge first suggested the subject, and his constant encouragement and confidence in its possibilities made many difficulties seem inconsequential. Professor Roger B. Merriman gave abundantly of his sound scholarship and of his inspiring enthusiasm for Spanish history, two contributions which have been of inestimable help to me, as they have been to many others among his pupils who have had the rare privilege of intimate association with him in studies in this field. Professor Edwin F.

Gay has been in close touch with this investigation since its inception some seven years ago, and any merits which it may have as a contribution to economic history are due entirely to his sympathetic understanding of the problems encountered, and to his unfailing interest in the progress of the work in spite of his many serious and urgent duties during the war.

To my wife the work owes more than any words of mine can express. Every page, I might almost say every line, has benefited from her patient scrutiny and judicious criticism.

J. K.

WASHINGTON, D.C.
April, 1919.

CONTENTS

PART I — ORGANIZATION

CHAPTER I

ORIGINS 3

The pastoral industry of the Moors. The origins of the merino sheep. Sheep raising in mediaeval Spain. The meetings or *mestas* of shepherds for the disposal of strays.

CHAPTER II

MIGRATIONS 17

Sheep highways in Mediterranean countries. The Castilian *cañadas*. Traffic routes of the Teamsters' Gild of Castile. Organization and size of the Mesta flocks. On the march. Wool clipping.

CHAPTER III

MARKETING 30

Wool marketing in Italy and Aragon. Early exports of Spanish wool to England. Organization of the export trade by Ferdinand and Isabella. The Burgos Consulado or Trade House. Its foreign branches. Its contact with the Mesta at the Medina del Campo fair. The Mesta and the trade with the New World. Organization of the domestic wool trade. Dealing in 'futures.' Middlemen. Trade policies of the Hapsburgs.

CHAPTER IV

INTERNAL ORGANIZATION OF THE MESTA 49

Ordinances. Meetings. Elections. Membership. The President and other officers. Legal staff. Fiscal agents. Proportion of large and small owners. Shepherds; their duties and privileges.

PART II — JUDICIARY

CHAPTER V

ORIGINS OF THE ALCALDE ENTREGADOR 67
Itinerant officers in mediaeval Europe. Judicial protectors of migratory flocks in Italy and in Aragon. Sheep protection in mediaeval Castile. Inter-class litigation. Early relations of the *entregador* with the crown.

CHAPTER VI

THE ENTREGADOR AND THE TOWNS 86
Functions of the *entregador*. Inspection and protection of the *cañadas*. Restraint of marauders. Supervision of pastures, enclosures, and commons. Conflicts with the Cortes and with towns. Exemptions from the entregador's visitations. *Residencias* or hearings of complaints. Restrictions upon entregadores by higher courts, Cortes, and town leagues.

CHAPTER VII

DECLINE OF THE ENTREGADOR 117
Hostility of the Cortes in the seventeenth century. Appeals to the chancillerías. Inefficacy of royal aid to the Mesta. Collapse of the entregador system in the eighteenth century.

PART III — TAXATION

CHAPTER VIII

SHEEP TAXES IN THE MEDITERRANEAN REGION 139
Significance of sheep dues as a pre-feudal tax on movable property. Town or local sheep taxes in North Africa, Provence, the Pyrenees, Aragon, Valencia, Navarre, and Portugal. Royal or state sheep taxes in southern Italy, Aragon, Valencia, and Navarre.

CHAPTER IX

MEDIAEVAL SHEEP TAXES IN CASTILE 161
Early local taxes. The *montazgo* and the *portazgo*. Effect of the Moorish wars. Beginning of large scale sheep migrations, standardized taxation, and fixed toll points.

CHAPTER X

LOCAL TAXES DURING THE RISE OF THE MESTA (1273–1474) 176
Fiscal clauses of the Mesta charter of 1273. Policies of Alfonso X (1252–84) and Sancho IV (1284–95). Aggressive fiscal administration of Alfonso XI (1312–50). Sheep taxes during the civil wars of the later Middle Ages. Extravagant tax concessions to the town and liberal exemptions of the Mesta. *Concordias* or tax agreements.

CHAPTER XI

LOCAL TAXES UNDER FERDINAND AND ISABELLA (1474–1516) 208
Fiscal reforms. Tax inquisitors. Fiscal duties of the corregidores. Standardization of local sheep tolls. Political aspects of the tax situation.

CHAPTER XII

LOCAL TAXES UNDER THE HAPSBURGS AND EARLY BOURBONS (1516–1836) 227
Effect of the rising of the comuneros (1500–21) upon the fiscal affairs of the Mesta. Royal agents defend the Mesta. Sheep taxes of the Military Orders and of the Church. *Diezmos*. Fiscal disorders under the later Hapsburgs. Local taxes in the eighteenth century.

CHAPTER XIII

MEDIAEVAL ROYAL SHEEP TAXES 254
Share of the crown in local taxes. Moorish sheep tolls. The *servicio de ganados* or subsidy from domestic animals. Origin of the *servicio y montazgo*. Royal sheep tolls during the period of fifteenth-century profligacy. The tax schedule of 1457.

CHAPTER XIV

ROYAL SHEEP TAXES OF THE AUTOCRACY 270
Reforms of Ferdinand and Isabella. The crown and the fiscal rights of the Military Orders. Hapsburg exploitation of the pastoral industry. The Fuggers and the Mesta. Bankruptcy of the monarchy in the seventeenth century. Reforms of Charles III.

PART IV — PASTURAGE

CHAPTER XV

EARLY PASTURAGE PROBLEMS 297
The pasturage privileges of migrants in Mediterranean countries. Pasturage customs of mediaeval Castile. Commons. Enclosures. Deforestation. Sheep walks. Pastoral industry not a menace to agriculture and enclosures in the Middle Ages.

CHAPTER XVI

THE SUPREMACY OF THE MESTA'S PASTURAGE PRIVILEGES . 314
Agrarian England of the early Tudors compared with agrarian Castile of Ferdinand and Isabella. Pastoral mercantilism. Enclosures in England and in Castile. The pastoral policy of the Catholic Kings. Deforestation. *Posesión* or perpetual leasing of pasturage. Collective bargaining for pasturage by Mesta members. Agriculture *vs.* grazing in the reign of Charles V. Growth of the non-migratory pastoral industry. Repressive measures against agriculture.

CHAPTER XVII

THE COLLAPSE OF THE MESTA'S PASTURAGE PRIVILEGES . 331
Pasturage legislation of Philip II. Decrees of 1566, 1580, and 1582. Futile agrarian programme. Chancillerías defend agriculture and enclosures. Opposition of royal creditors and others to the privileges of the Mesta. Exploitation of the lands of the Military Orders. Extravagant pretensions of the Decree of 1633. Spread of enclosures during the seventeenth century. Mesta propaganda against agriculture. Collapse of ancient pasturage privileges in the eighteenth century. Culmination of the enclosure movement.

CONCLUSION 351

APPENDICES

A. Ordinances of the Town Mesta of Úbeda, 1376 . 361
B. Extracts from the Ordinances of the Town Mesta of Granada, 1520 364
C. A Royal Concession Regarding Strays, 1304 . . 368
D. Commission of an Entregador-in-Chief, 1417 . . 371
E. Exemption of the Town of Buitrago from the Jurisdiction of Entregadores, 1304 374
F. Procedure in the Court of an Entregador, 1457 . 376
G. Royal Instructions to Entregadores, 1529 . . . 382
H. Credentials of a Mesta Representative, 1528 . 388
I. Ordinances of the Servicio y Montazgo or Royal Sheep Toll, 1457 391
J. Royal Instructions to a Sheep Tax Inquisitor, 1489 398
BIBLIOGRAPHY 401
GLOSSARY 423
INDEX 429

ILLUSTRATIONS

Mesta Charter of 1525 . . . . . *Frontispiece*
Map showing Highways, Toll Points, and Pasturage Areas 19
Urn used in Mesta Elections 52
Sheep Tax Decree of Ferdinand and Isabella, 1488 218
Mesta Charter of 1443 264

ABBREVIATIONS

(The numbers refer to items in the Bibliography.)

Acad. Hist.	Real Academia de la Historia, Madrid.	25–32
Arch. Ayunt.	Archivo del Ayuntamiento.	48–61
Arch. Hist. Nac.	Archivo Histórico Nacional, Madrid.	33–35
Arch. Mesta.	Archivo de la Mesta, Madrid.	17–24
Arch. Osuna.	Archivo del Duque de Osuna, Madrid.	62–68
Berlin Kgl. Bibl.	Königliche Bibliothek, Berlin.	
Bib. Nac. Madrid.	Biblioteca Nacional, Madrid.	
Brit. Mus.	British Museum, London.	69–70
Bull. Ord. Milit. Alcant.	*Bullarium Ordinis Militiae de Alcantara.* Ortega, Brizuela, and Zúñiga, eds. Madrid, 1759.	127
Bull. Ord. Milit. Calat.	*Bullarium Ordinis Militiae de Calatrava.* Ortega, Baquedano, and Zúñiga, eds. Madrid, 1761.	128
Cárdenas.	Francisco de Cárdenas. *Historia de la Propiedad territorial en España.* Madrid, 1873–75. 2 vols.	
Colmeiro.	Manuel Colmeiro. *Historia de la Economía política en España.* Madrid, 1863. 2 vols.	
Concordia de 1783.	*Memorial ajustado del Expediente de Concordia que trata el Honrado Concejo de la Mesta con la Diputación . . . de Extremadura.* Madrid, 1783. 2 vols.	79
Cortes.	*Cortes de los antiguos Reinos de León y de Castilla.* Real Academia de la Historia, eds. Madrid, 1861–1903. 5 vols.	132
Expediente de 1771.	*Memorial ajustado hecho en Virtud de Decreto del Consejo del Expediente consultivo . . . entre D. Vicente Paino y Hurtado de Estremadura y el Honrado Concejo de la Mesta.* Madrid, n. d. (1771).	78
González.	Tomás González. *Colección de Privilegios, Franquezas, y Fueros.* Madrid, 1829–33. 6 vols.	83
Larruga.	Eugénio Larruga. *Memorias políticas y económicas sobre los frutos, comercio, fábricas, y minas de España.* Madrid, 1785–1800. 45 vols.	85
Muñoz.	Tomás Muñoz y Romero. *Colección de Fueros municipales y Cartas pueblas.* Vol. i (no others published). Madrid, 1847.	84
Nov. Recop.	*Novísima Recopilación* (codified by Charles IV, 1805).	122
Nueva Recop.	*Nueva Recopilación* (codified by Philip II, 1567).	142
Paris Bib. Nat.	Bibliothèque Nationale, Paris.	71
Quad. 1731.	Andrés Diez Navarro. *Quaderno de Leyes y Privilegios del Honrado Concejo de la Mesta.* Madrid, 1731.	77

PART I

ORGANIZATION

THE MESTA

CHAPTER I

ORIGINS

The pastoral industry of the Moors. The origin of the merino sheep. Sheep raising in mediaeval Spain. The early meetings or *mestas* of shepherds for the disposal of strays.

AMPLE evidence of an extensive sheep raising industry in Spain and of the high quality of Spanish wool is found in the earliest sources of recorded history in the peninsula. A widely prevalent pastoral life, including the practice of semiannual migrations, is believed by some investigators to have existed in times as remote as the primitive Iberian period.[1] The Roman era has left several specific references to the reputation of the fine wools of Turdetania and Baetica, which comprised the region of the Guadalquivir valley.[2] In general, however, the wool of this period was quite different in quality and nature from the merino of later times, and notably so in color, for the earlier fleece was a reddish brown. Furthermore the wool of Roman Spain had an unusually long, smooth staple, which did not resemble the famous short, crinkled product of the merino flocks of later years. This difference provokes the inquiry as to the circumstances of the change and the origin of the merino.

The origin of the merino sheep has been much debated, and yet very little substantial evidence has been produced thus far to support any of the views advanced. The notion that the name as applied to the sheep comes from the *maiorinus* or *merino*, a royal magistrate of mediaeval Castile, who, according to some writers,

[1] The most scholarly examination of this early period is to be found in J. Costa, *Estudios Ibéricos* (Madrid, 1891–95), pp. i–xxxii. See also Paredes Guillen, *Historia de los Framontanos Celtíberos* (Plasencia, 1888).

[2] References to the writings of Varro, Strabo, Columella, and Martial (himself a Spaniard) in this connection, are given in Diez Navarro's introduction to the *Quaderno* or Mesta code of 1731; see Bibliography, no. 77.

served as a 'judge of the sheep walks,'[1] may be dismissed at once. There is not the slightest indication in any of the Castilian codes that this official, either as the classical *maiorinus* or the Romance *merino*, ever performed any duties concerned with sheep.[2] If such had been the case, he would certainly have been used to draw the industry under the control of Alfonso X, Alfonso XI, and other monarchs with ambitions for centralized government. Equally nebulous is the naïve conception that the name is due to the supposed introduction of sheep from across the sea (*marina*), as the dowries of the English brides of Castilian kings. Eleanor Plantagenet, queen of Alfonso VIII (1158–1214), and Catharine, daughter of John of Gaunt and queen of Henry III (1390–1406), were commonly believed to have brought to Spain the progenitors of the famous breed.[3]

The most plausible view, however, is that the merinos were introduced by and named after the Beni-Merines, one of the North African tribes which figured in the Berber movement into Spain during the Almohad period (1146 ff.).[4] It is quite certain that the merino breed was not known in Spain before that time, for

[1] *Chronicle of James I of Aragon*, tr. by John Forster (London, 1883), ii, p. 707; Covarrubias, *Tesoro, s.v. Merino.*

[2] Arch. Hist. Nac., *Índice de los documentos del Monasterio Sahagun* (Madrid, 1874), cites documents showing the change from the Latin form to the Romance. Blancas, *Comentarios de las Cosas de Aragon* (1588), offers some curious theories as to the origin and early functions of the *maiorinus* or *merino*. His duties as a royal judicial and administrative officer in the towns are outlined in the *Fuero Viejo*, lib. 1, tit. 5, ley 11, and tit. 6, leyes 1, 2; *Siete Partidas*, part. 2, tit.9, ley 23, and part. 7, tit. 1, leyes 2, 5; *Ord. de Alcalá*, tit. 32, leyes 45,54, 55; and ley 4, tit. 20; *Leyes del Estilo*, ley 222; and in the *Ordenanças reales por las quales . . . los pleitos civiles y criminales* (Salamanca, 1500), lib. 2, tit. 13.

[3] Diez Navarro, *op. cit.*, p. 11; Acad. Hist., Ms. est. 27, gr. 1, E–10: Bañez de Ribera, *Planta de . . . Espinar* (1649). See also Alonso Cano, "Noticia de la Cabaña real" (p. 408, below), whose views were accepted by many later observers, among them Ponz, Laborde, and Bourgoing (see Bibliography). Even the usually accurate Capmany seems to have lapsed on this point (*Cuestiones críticas*, p. 9). Cano's essay exists in manuscript in the Brit. Mus., Eg. 505, fols. 1–40, and in the Bib. Nac. Madrid, Ms. 17708, no. 4. Parts of it were printed in the *Biblioteca general de Historia, Ciencias, . . .* (Madrid, 1834), pp. 5–32.

[4] Huart, *Hist. des Arabes* (Paris, 1912–13), ii, p. 212; *Ensayo de la Sociedad Vascongada de los Amigos del Pais* (Victoria, 1768); Lasteyrie, *Histoire de la Intro. Merinos* (Paris, 1812); Eguilaz y Yanguas, *Glosario de Palabras . . . de Origen oriental* (Granada, 1886), p. 450; Colmeiro, i, p. 282.

the famous Moorish classic on agrarian life in the peninsula, Abu Zacaria Ben Ahmed's "Book of Agriculture," [1] written shortly before the coming of the Beni-Merines, makes no mention of any sheep resembling the merino. Then, too, the marked similarity of some ancient practices in the handling of migratory flocks in Spain and in those sections of Africa from which the Beni-Merines came, indicates a distinct association of the Castilian industry with that of the Moors.[2] The fact that the greater part of the mediaeval pastoral terminology of Spain was Arabic is further evidence on the same point. Such examples may be cited as *zagal* and *rabadan* (shepherd's assistants), *rafala* (a pen for strays), *morrueco* (breeding ram), *ganado* (domestic animal), *cabaña* (herd, sheepfold, shepherd's cabin; the term was left in southern Italy by the Saracens as *capanna*), and *mechta* (winter sheep encampment, probably related to *mesta*).

In this connection it should be noted that the word merino as applied to sheep or wool did not appear in Castile until the middle of the fifteenth century. Among the earliest instances of it were those in the tariff schedules issued by John II in 1442, and by Henry IV in 1457, in which duties were fixed for cloth made of 'lana merina.' [3] In the two thousand odd documents of the Mesta archive bearing dates previous to 1600 there are less than a dozen references to 'merino wool' as such. In fact, the name does not seem to have come into general use until the latter part of the seventeenth century. This refutes the theory that the name originated in the pastoral functions of an early mediaeval judge, the merino or maiorinus. If the activities of that official had had anything to do with the naming of the merino sheep, the term would have been applied to the animal far back

[1] This author is sometimes cited as Ebn el Awam. The best edition is that of Banqueri, Madrid, 1802, 2 vols. See Ramirez, *Bibliografía agronómica* (Madrid, 1865), p. 207, no. 517.

[2] The methods used in mediaeval Spain to select breeding rams, to castrate and to prepare sheep for slaughter, and to clip and wash the wool, were strikingly like those of the North African tribes, and were, in fact, commonly believed by the Spanish herdsmen to be of Berber origin. Cf. Manuel del Rio, *Vida pastoril* (Madrid, 1828), *passim*.

[3] Brit. Mus. Add. Mss., 9925, p. 96; Liciniano Saez, *Apendice á la Crónica del Rey Juan II* (Madrid, 1786), p. 109.

in the Middle Ages, when the maiorinus first appeared, instead of at the very close of the mediaeval period. Similarly, a theory that 'merino' is derived from a combination of certain early Iberian and primitive Navarrese words[1] is disposed of by the much later date of the appearance in Castile both of the species and of its name.

Furthermore, from the earliest times the Spanish stock had been periodically improved by the introduction of African rams,[2] and from the thirteenth century onward by the investigation and application of Berber pastoral practices. During the later Middle Ages every lull in the Moorish wars found the more able Spanish monarchs alert to improve native stock by crossing with North African animals. This subject was of particular interest to such progressive administrators as Peter IV of Aragon (1336–87) and Cardinal Ximenes (1436–1517). The latter was especially persistent in turning the attention of his royal patrons to the resources and possibilities of the adjoining North African coast. In this he was ably assisted by Palacios Rubios, the gifted legal adviser of Ferdinand and Isabella, who, during his twelve years of service as President of the Mesta, gave invaluable aid by facilitating importations from Africa and by codifying old regulations on breeding.[3] After the extensive introduction of Berber stock, every effort was made to eliminate the so-called *churro*. This was the ancient native Iberian species, which produced the reddish Turdetanian wool known to the Romans. By careful breeding and selection the pure merino strain was strengthened and spread, and the famous white, kinky staple gradually found its way overseas and became Spain's great contribution to international trade and to the pastoral industry of the world.[4] Thence-

[1] Costa, *Estudios Ibéricos*, pp. xv–xvi.

[2] Columella's classic work on ancient agriculture, *De Re Rustica Libri XII*, vii, 2, 4, mentions the importation of African rams into Spain for breeding purposes.

[3] *Ensayo de la Sociedad Vascongada*, pp. 128–129; Zapata, *Noticia de lanas finas* (Madrid, 1820); Paris Bib. Nat. Res. Oa 198 ter. no. 33: a carefully prepared anonymous account of early sheep importations from Africa into Spain.

[4] On the methods used by the herdsmen to improve the *churro* wool and to develop the merino stock, see *Gaceta de Madrid*, 10 August 1846; *Semanario de Agricultura*, no. 125 (Madrid, 1799), p. 330; and Mohedano, *Historia literaria de España*, iv, p. 338 (Madrid, 1772).

forth the merino became the pampered favorite of kings; everything was done to meet its needs; perennial pasturage was provided in different parts of the realm, in order that the rigors of the climate might be avoided; and finally the formidable organization of the Mesta was developed to insure the further protection of the favored animal. The *churro*, the unkempt, despised, meagre-fleeced native stock, was neglected and survived only in the non-migrating flocks, the object of scorn and abuse from the itinerant herdsmen. It seems reasonably certain, then, that, like so many other elements contributing to the development of Spain, economic as well as cultural and political, the merino and many features of the migratory sheep industry were introduced by the Moors.

It must not be presumed, however, that the whole industry was unknown in Spain before the Moorish period. The practice of semiannual sheep migrations in the peninsula goes back to the times of the Goths, and probably even to the times of the aboriginal Iberians, whose wandering shepherds were reported to have rendered valuable assistance to the Carthaginians in their marches across the peninsula.[1] Various reasons have been advanced for the early appearance and rapid increase of the *transhumantes*, *cañariegos*, *caminantes*, *pasantes*, or *pasajeros*, as the migrants have been called. It has been suggested that the constant state of warfare between Moors and Christians was largely responsible for the development of this form of movable property, which might readily be taken out of danger in times of hostility.[2] The devastation wrought by plagues, notably the Black Death of 1348–50, has also been held responsible for the spread of the industry over the depopulated territory. The Mesta, according to this view, was "the child of pestilence, to be classed with the locust and syphilis as one of the three great curses of humanity, all bred by the hated Berber infidels, and, like them, sweeping out of Africa and bringing further devastation to Spain in the wake

[1] Costa, *Estudios Ibéricos*, p. ii. On the evidence of Visigothic sheep highways and communal pastures for migratory flocks, see *Fuero Juzgo* (*Lex Visigothorum*), lib. 8, tit. 4, leyes 26–27, and tit. 5, ley 5, which are discussed below (p. 18).

[2] Sugenheim, *Geschichte der Aufhebung der Leibeigenschaft* (1861), p. 42; Muñoz, pp. 39–41; *Canciones de mio Cid*, v, pp. 280–291.

of the Black Death." [1] But in this, as in many other respects, the effects of the Great Plague have been considerably overestimated. There is ample evidence that Castile was producing an unusually high grade wool of the merino type fifty years before the Black Death, and that the latter did not usher in any radical change in the agrarian life of the country, but at the most only gave opportunity for the extension of an already firmly established and widely prevalent industry.[2]

The real cause for the development of sheep migrations was the same in Spain as in other Mediterranean countries, namely the sharp contrasts of climate and of topography which made semi-annual changes in pasturage desirable.[3] Curiously enough, the Spaniards themselves were among the last to appreciate the influence of these factors. Although most of their writers on pastoral subjects previous to the eighteenth century understood the advantage of perennial pasturage for the merino, that phase of the migrations was regarded by them as purely incidental. The long marches were considered primarily as a conditioning process which kept the animals sturdy and sound and thus improved the quality of the wool.[4]

A vivid illustration of the inadequacy of this opinion is found in the effort to introduce the Mesta into colonial Spanish America. In fact, the inability of the sixteenth-century Spaniards to appreciate the real cause or basis of this industry explains another of the many economic misconceptions of those redoubtable pioneers in overseas administration. It has been frequently remarked that the colonial experience of a nation serves to reveal the fundamental character of the institutions and civilization of the motherland. A new light is thus thrown upon old world practices, laws, and organizations as they are worked out amid

[1] Sarmiento, in *Semanario de Agricultura*, no. 16 (Madrid, 1765), pp. 273 ff.; reprinted in part in Ponz, *Viage* (2d ed., Madrid, 1784), viii, pp. 190 ff. See also another paper by the same author in Acad. Hist., Sarmiento Mss. v, pp. 311–313.

[2] The town charter (*fuero*) of Sepúlveda, which appeared shortly after 1300, classifies the various wools of Castile and gives that of Segovia first place, a position which it continued to hold for centuries after. Segovia was long the centre of the merino wool trade; in fact, by the middle of the thirteenth century it had become one of the four headquarters of the Mesta. See below, p. 50.

[3] See below, pp. 68 ff.

[4] *Partida* 1, tit. 20, ley 9.

strange surroundings and applied to unaccustomed conditions. No better illustration of this fact can be found than the determined attempts of the conquistadores to legislate the old Castilian Mesta into existence in the New World, quite regardless of insurmountable topographic and climatic obstacles. The first of these experiments were made in Santo Domingo, the oldest permanent European colony in America, in the early years of the sixteenth century, when the Mesta was at the height of its prestige in Castile. The results were ludicrous failures, because, as the learned Bishop Fuenleal, president of the audiencia of Santo Domingo, later pointed out, the island had no such vast stretches of pasturage, in regions with sharply contrasting climates, as had made sheep migrations necessary and possible in the mother country.[1] The same outcome followed the introduction of the Mesta code into New Spain or Mexico by Cortez and his successors, many of whom were especially familiar with the migratory pastoral industry, because their homes were in the pasture lands of Estremadura and Andalusia.[2] In Mexico, as in Santo Domingo, all efforts to introduce sheep migrations were frustrated by the absence of favorable geographic conditions and by the greater attraction of other industries, notably mining. The only part of the Mesta code which survived was the ancient arrangement for the semiannual meetings to dispose of stray animals.

In the course of the pastoral history of Castile, during the early Middle Ages, there appeared in various towns certain stated meetings of the shepherds and sheep owners of a given locality. These gatherings were usually called two or three times a year to administer such clauses of the local *fuero* or town charter as pertained to the pastoral industry, and especially to assign stray animals to their rightful owners. All townsmen interested in the

[1] Alonso de la Rosa, *Memoria sobre la manera de transhumación* (Madrid, 1861: 32 pp.). This monograph gives the text of Fuenleal's communication, with the comments made upon it by Icazbalceta, the famous Mexican historian.

[2] *Actas de Cabildo de Ayuntamiento de Tenuxtillan, Mexico de la Nueba España* (Mexico, 1859), iv, pp. 313–314: ordinances of the town council of Mexico City, 1537–42, introducing the laws of the Castilian Mesta; see also *Recop. Leyes Indias* (Madrid, 1774, 4 vols.), lib. 5, tit. 5, leyes 1–20.

industry were required to attend the meetings, and because of the extensive jurisdictions of some cities — Seville, for example, controlled seventy-six towns and villages — the attendance ran up to hundreds and even thousands in the larger centres. The right to vote in the meetings was limited in most cases to those owning fifty or more sheep, women being eligible to membership on an equal footing with men.[1] No distinctions were drawn between migratory and non-migratory flocks. These assemblages or *concejos* were called *mestas*, probably because of the fact that the strays to be disposed of had become *mezclados* or mixed with strange flocks.[2] Other derivations of the name have been suggested, such as "the *amistad* or amity prevailing among the shepherds."[3] The ancient use of the name *mechta*, among the nomads of the Algerian back country, to indicate their winter sheep assemblages or encampments,[4] suggests further possibilities for speculation as to the Berber origins of the name mesta and of this practice of periodic meetings of migratory sheep owners. Occasionally the strays themselves were called mestas, though this was not common;[5] they were usually designated as *mesteños*[6] or as *mostrencos*, the general term applied to all ownerless property.

The business transacted at these local mestas comprised all matters pertaining to the pastoral industry.[7] Shepherds were engaged for the year, beginning on June 24, and uniform wages were agreed upon. The herdsmen were also to be supplied with food by their employers and were allowed to maintain certain animals of their own with the master's flock free of pasturage and other charges. The old gild spirit of strict regulation to prevent competition among owners for the services of shepherds was everywhere in evidence. Bargaining between sheep owners and

[1] Arch. Mesta, B–1, Badajoz, 1560.

[2] In Cáceres the meeting was called *otero*: Ulloa, *Privs. Cáceres*, tits. 395, 426, 461 of the twelfth-century fuero.

[3] Covarrubias, *Tesoro*, *s.v. Mesta.*

[4] Bernard and Lacroix, *L'Évolution du nomadisme en Algérie* (Paris, 1906), p. 82.

[5] Ulloa, *op. cit.*, p. 83; Ureña and Bonilla, *Fuero de Usagre*, cap. 463.

[6] Connected with 'mustang,' the half-wild horse of our southwestern cattle ranges.

[7] See below, p. 58, on wages of shepherds.

herdsmen outside the mesta meetings and any arrangements or inducements not authorized by the assemblage were punishable with heavy fines. Particular attention was paid to brands, which were in many cases carefully recorded by the town or by the local mesta. Unauthorized alterations of brands and the sale or sequestration of strays were severely punished.[1]

It is evident from the law code of Visigothic Spain that such local gatherings to distribute the stray animals in the town pound were common at least as early as the sixth or seventh century.[2] There is no indication, however, that the name *mixta* or mesta was associated with the custom until the twelfth century.[3] These regular meetings of herdsmen and sheep owners were prevalent not only in Castile but throughout the peninsula during the Middle Ages. In Navarre they were called *meztas* [4] and in

[1] See below, Appendices A and B, for texts of ordinances of the town mestas of Úbeda (1376) and of Granada (1520). Ordinances of other local mestas are found in González, *Colec. de Privs.*, vi, pp. 142–145 (Alcaraz, 1266); Ulloa, *Privs. de Cáceres*, pp. 78 ff. (twelfth century *fuero*); Bib. Nac. Madrid, Ms. 714, pp. 208–210 (fuero of Plasencia, thirteenth century); *Boletín Acad. Hist. Madrid*, xiv, pp. 302–355 (fuero of Uclés, 1179; tits. 192–195); *Concordia de* 1783, i, fols. 121 ff., citing excerpts from the fueros of Sepúlveda; Valverde Perales, *Ordenanzas de Baena* (Cordova, 1907), pp. 127–136; *Ordenanzas para . . . Toledo* (Toledo, 1858), pp. 4–14; *Ordenanças de Sevilla* (Seville, 1527), fols. 115–123; Arch. Mesta, G–1, Granada, 1533 (early mestas of Úbeda and Granada); Arch. Simancas, Diversos Castilla, Mss. 993–997 (data on the local mesta of Alcaraz); Paris Bib. Nat., Mss. Esp. 66 (ordinances of the mesta of Baeza, with regulations for local flocks which migrate); T. D. Palacio, *Documentos del Archivo General de la Villa de Madrid*, i (cf. index, *Mesta*). In 1612 a census of local mestas was undertaken by the national organization; cf. Arch. Mesta, Prov. iv, 30.

[2] *Fuero Juzgo*, lib. 8, tit. 4, ley 14. Paredes Guillen, *Framontanos Çelliberos*, p. 101, accepts this as the origin of the Mesta itself, though there is no indication of anything more than meetings of local shepherds for the above mentioned purposes.

[3] Arch. Hist. Nac., Sala vi, caj. 408, Docs. Reales de Beruela, 1125: "si vero ganatum vestrum cum alio extraneo mixtum fuerit . . ." The name seems also to have been applied to lands of mixed or dual jurisdiction. In this connection two references will suffice to indicate the change from the Latin to the Romance form: Arch. Hist. Nac., Tumbo del Mon. de Lorenzana, fol. 128, no. 185 (A.D. 933) — "per suos terminos antiquos de ambas mixtas usque in petras negras:" and fols. 128–129, no. 186 (A.D. 1112) — "illo canto est per rio Malo et per ambas mestas." Arch. Mesta, F–2, Fuente el Sauco, 1511, contains a similar use of the word in a sixteenth-century pasturage suit, which shows the persistence of this ancient meaning of the term down to modern times.

[4] *Nov. Recop. Leyes Nav.* (Pamplona, 1735, 2 vols.), lib. 1, tit. 24; *Cuaderno Leyes Nav.: Cortes 1817–1818* (Pamplona, 1819), ley 54.

Aragon *ligallos* or *ligajos*.[1] In these kingdoms the Castilian form, mesta, was not adopted until the middle or close of the eighteenth century.

It is highly important to note that these local mestas had nothing whatever to do with migratory sheep as such. They were concerned only with the assignment of stray animals, both migratory and sedentary, to their rightful owners, and with the sale of all unclaimed strays or *mesteños*. The receipts from such sales were usually, though not always — as will be explained below — deposited in the town treasury. If there chanced to be migrants among the local flocks, they were subject to the rules of the town mesta; which in addition, in some cases, was accustomed to hold meetings and draw up rules to govern their migratory practices. These meetings, and sometimes the rules adopted by them, were called the *rahala* or *rafala*.[2] Among the towns whose flocks were so organized the most prominent was Soria, whose herdsmen were to become the founders and leaders of the national Mesta.[3]

In 1273, when Alfonso the Learned brought "all of the shepherds of Castile" into one national association and gave them a charter, it was quite natural that he should use the name already connected with meetings of herdsmen and sheep owners, and call the organization the "Honorable Assembly [*concejo*] of the Mesta of the Shepherds."[4] The ordinances of the local mestas were evidently examined with care, and many of their chief features

[1] Arch. Corona Aragón (Barcelona), Escrituras Jayme II, Ms. no. 187: charter of a local *ligallo* of sheep owners in 1317; *Ordinaciones de la Comunidad de Teruel* (Saragossa, 1685), p. 121; *Docs. Inéd. Arag.*, xl, p. 128 (1333); *Ordinaciones de la Mesta de Albarrazin* (Albarracín, 1740, 42 pp.); Borao, *Voces Aragonesas* (Saragossa, 1884), p. 266.

[2] Illustrations are found in Ureña and Bonilla, *Fuero de Usagre*, pp. 153–161, and in Ulloa, *Privs. de Cáceres*, tits. 396–408; the former was patterned in part after the latter. See above, p. 11, n. 1, reference to the pastoral regulations of Baeza.

[3] Ureña and Bonilla, *Fuero de Usagre*, p. 307, cite a line (c. 122 a, ed. Ducamin) from the classic verses of the Arcipreste de Hita referring to the "Rehalas de Castilla con pastores de Ssoria." In Cáceres the *rafala* was made up largely of migratory herds of horses. See also *Concordia de 1783*, i, fol. 121, on such pastoral organizations in the twelfth century.

[4] The details of this charter of 1273 are discussed below, pp. 78 f., 176 ff.

were incorporated into the later codes of the national body,[1] and this resulted inevitably in serious friction and confusion.

As the national Mesta grew in strength and importance it undertook to assert claims upon all stray sheep in the realm, since these animals were, according to the local fueros themselves, *mesteños* and therefore under the jurisdiction of the Mesta. In other words, the national organization calmly ignored the fact that it had preëmpted the name of the older local pastoral associations; it undertook to capitalize that name wherever and whenever expediency required. It appointed officers called *alcaldes de Mesta*, *alcaldes de corral*, or *alcaldes de quadrilla* to serve in various *quadrillas* or districts with jurisdiction over all strays found in the migratory herds.[2] These officers occupied themselves, during the earlier centuries of the Mesta, particularly with the enforcement of laws regarding branding, and the punishments for altering brands so as to facilitate the disposal of *mesteños*.[3] Where the local flocks were sedentary, no difficulties developed; the officers of the town mestas disposed of their local strays,[4] and the alcaldes of the national Mesta, until they became arrogant and ambitious under the patronage of the sixteenth-century autocrats, were interested only in the mesteños of the migrants. During the reign of Ferdinand and Isabella, however, the local sedentary pastoral industry began more and more to assume important proportions. The local flocks, as we shall see later, undertook limited overnight migrations beyond the *riberas* or borders of the town jurisdiction, and the strays from these *riberiegos* soon attracted the attention of the Mesta officials.

[1] See below, pp 55, 74, 75.

[2] See below, p. 55. In the sixteenth century the number of such alcaldes was greatly increased and each was given a district of ten square leagues. Their functions were similar to those of the 'hog reeves' of colonial New England. The custodian or pound keeper in actual charge of the strays was called the *reusero*.

[3] Early laws on branding are found in the *Fuero Juzgo*, lib. 8, tit. 5, ley 8, and *Quad. 1731*, pt. 2, tit. 20, ley 1.

[4] It was commonly the practice for a town to grant as a concession the right to dispose of all mostrencos within its jurisdiction. Abraham el Barchilon held such a concession in Burgos in 1287: Arch. Ayunt. Burgos, Ms. 242. See below, Appendix C, for the text of a mostrenco concession, dated 1304.

Previous to the reign of the Catholic Kings the disposal of mesteños or mostrencos had not caused any serious difficulty. The officials of the towns and of the Mesta handled those of their respective flocks, sedentary and migratory. Occasionally, however, royal officials disposed of unclaimed stray animals, on the theory that the king as lord of the whole realm had title to all ownerless property.[1] On a similar basis, the lords of various towns laid claim to all or part of the local mostrencos as one of their seigniorial privileges.[2] The marked increase of the pastoral industry during the first half of the sixteenth century, the growing importance of the Mesta, and the new claims to mostrencos advanced by the increasingly powerful church element all served to make this question of the disposal of mostrencos one of the difficult problems of the pastoral industry at that time.

The accounts of the Mesta after about 1525 show steadily growing returns from the farming out of mostrenco privileges in various districts. During the reign of Charles V the incomes from this source contributed largely to the affluence of the Mesta treasury in that period.[3] But the penury and weakening administrative powers of later monarchs gave various rivals of the Mesta an opportunity to obtain titles to stray animals in different parts of the country. The towns, military orders, and nobles began to reassert their claims to local mostrencos, of which they had been deprived by the avidity of the Mesta during the earlier decades of the century.[4] The most formidable of its rivals was the church,

[1] Bib. Nac. Madrid, Ms. 13126: a grant of the mostrencos of Burgos by the crown to certain royal creditors (1287). *Cortes*, Toro, 1371, pet. 17: protests regarding the disposal of the mostrencos by royal officers. Cf. Jordana, *Voces Forestales*, p. 186.

[2] Arch. Osuna, Mss. Béjar, caj. 6, no. 52; caj. 9, nos. 61, 63: royal recognition of the title of the Dukes of Béjar to all mostrencos on their estates. Ibid., Mss. Infantazgo, caj. 3, leg. 2, no. 19, and leg. 5, nos 7, 19, 20, 22, 23, 25: a series of fifteenth and sixteenth century agreements between the Mesta and the Dukes of Infantazgo, by which the latter received a third of the proceeds from the sale of mostrencos on the ducal estates and the Mesta two thirds.

[3] See below, pp. 284–285.

[4] Arch. Burgos, Ms. 4332, and Arch. Hist. Nac., Calatrava Mss. Reales 341: royal orders of 1580 ff. confirming claims to mostrencos in spite of protests from the Mesta. *Concordia de 1783*, ii, fols. 65–82: summaries of a series of royal decrees, mostly of the period 1561–99, assigning sedentary mostrencos to local authorities and restricting the Mesta's authority to strays of the migratory flocks.

which had been granted title to certain mostrencos by the Catholic Kings in 1484, 1496, and 1502 as a means of assisting the fund of the *cruzada*, the propaganda work for the Faith against the Moors and the pagans of the New World.[1] The Mesta fought this concession vigorously, but without success; in fact, the campaigns of the devout Philip II against Turks, Protestants, and American pagans resulted in further concessions of mostrenco rights to the church and corresponding losses to the Mesta. By the middle of the seventeenth century there remained for the latter only the right to such stray animals as were actually in the migrating flocks at the time of the semiannual meetings.[2] The ancient right of local mestas to deal with mostrencos, which had gradually been encroached upon and absorbed by the national Mesta, was thus taken from that body and returned to town mestas, churches, and other local bodies.

These were, then, the successive episodes or elements out of which the Mesta emerged and from which it drew inspiration: the migratory sheep industry of Iberian and Visigothic times, the sheep and the pastoral customs of the Berber invaders, and lastly the mediaeval town mestas, or gatherings of shepherds to dispose of stray animals. Each of these factors contributed toward the origin of the Castilian Mesta in the latter half of the thirteenth century, and had a fundamental influence upon its character and later history.

The course of that history and the importance of the Mesta may best be studied under two general headings: first, the internal organization of that body; and secondly, its external rela-

[1] Solórzano, *Política Indiana*, bk. iv, cap. 25. The decree of 1484 gave to the 'commissioners of the *cruzada*' a fifth of all mostrencos, incomes from bull fights, and properties of persons dying intestate. Ulloa, *Privs. Cáceres*, pp. 308–311.

[2] Arch. Mesta, Prov. i, 107, contains a series of documents, 1496–1640, on the conflict over the mostrencos. The claims of the church are set forth in *Concordia de 1783*, ii, fol. 70. The introduction into America of these ecclesiastical titles to mostrencos is illustrated in a representation of the bishop of Linares on the subject, from the Archivo del Gobierno de Saltillo, prov. Texas, no. 370 (1784), a copy of which is in the library of Professor H. E. Bolton, Berkeley, California. The laws regarding the disposal of mostrencos in the eighteenth century are found in a printed folder in Brit. Mus. 8228. l. 13, i, fols. 345–352, and iii, fols. 137–149.

tions with the crown and with landowners, both private and public. The first of these headings, the internal affairs of the Mesta, will require an examination of the practices connected with the sheep migrations, the use of sheep highways, the organization of the flocks, the marketing methods employed in disposing of the wool, and the constitution of the Mesta itself, its officials and their duties. The second, the external relations of the organization, will involve a group of three problems — judicial, fiscal, and agrarian — which reflect the position of the Mesta in Spanish history and throw light upon the real significance of its long annals as an illustration of the ancient and universal conflict between herdsman and husbandman.

CHAPTER II

MIGRATIONS

Sheep highways in Mediterranean countries. The Castilian *cañadas*. Traffic routes of the Teamsters' Gild of Castile. Organization and size of the Mesta flocks. On the march. Wool clipping.

THE first feature to be noted with reference to the general organization of the migratory pastoral industry in Castile is the system of special highways for the use of the flocks. These sheep walks occur in all of the countries where the industry is found. Southern Italy was traversed by the early Roman *calles* and their successors, the *tratturi*.[1] In Provence, Algeria, and the Balkans there were similar routes—some of them probably pre-Roman—reserved for the wandering flocks.[2] In the Spanish kingdoms these highways were known by different names: the *cabañeras* of Aragon, the *carreradas* of Catalonia, the *azadores reales* of Valencia, and, most important of all from the present point of view, the *cañadas* of Castile.[3]

The antiquity of the sheep walks in Castile is a question which has caused much discussion. It has been contended that the curious *framontanos* (pre-Roman stone images of pigs, rams, and bulls) found in many parts of central Spain marked the routes of certain Iberian sheep highways, which were later followed by

[1] See below, p. 69.

[2] Densusianu, *Pastoritul la Popoarele Romanice* (Bucharest, 1913); E. de Martonne, "La vie pastorale et la transhumance dans les Karpates méridionales," in *Zu Friedrich Ratzels Gedächtnis* (Leipsic, 1904), pp. 225–245; Fournier, "Les chemins de transhumance en Provence et in Dauphiné," in *Bull. de géog. hist. et descrip.*, 1900, pp. 237–262; Cabannes, "Les chemins de transhumance dans le Couserans," *ibid.*, 1899, pp. 185–200; Bernard and Lacroix, *L'Évolution du nomadisme en Algérie* (Paris, 1906), p. 69.

[3] In some parts of Castile these routes were called *galianas*, *cordones*, *cuerdas*, and *cabañiles*. The cañadas were sometimes merely local sheep walks, running but a short distance into the suburbs, but this use of the name was unusual. *Ordenanzas de Lorca* (Granada, 1713), p. 29 (in Berlin Kgl. Bibl., no. 5725); Acad. Hist., Sempere Ms. B. 125, no. 17.

the great Roman roads.[1] A similar theory has also been applied to some of the early *carraires* or sheep roads of Provence.[2] This hypothesis, so far at least as Spain is concerned, has been quite effectively controverted with evidence which indicates that the monuments in question were either religious or sepulchral,[3] and not in any way connected with sheep raising, even though the migratory pastoral industry was probably prevalent among the Iberians.[4] The first unmistakable proof of definitely marked sheep highways does not antedate the sixth or seventh century, when we find the Visigothic *Fuero Juzgo* [5] prescribing the reservation of certain passageways for the migrants. These roads are further identified by a quantity of data from the early Middle Ages on the taxation of migrating flocks at certain points,[6] thus establishing the use of regular fixed routes, which, by the close of the twelfth century, were known as *cañadas*.[7]

Strictly speaking, the cañadas were only such segments of the sheep walks as adjoined cultivated ground. Those parts of the routes which lay across open untilled land were not marked off or specifically designated. In common usage, however, the name cañada was applied to any route used by the flocks in their migrations from northern highlands to southern valleys. Only in the narrower legal sense was the cañada defined as the measured passageway between the cultivated areas: the orchards, vineyards, and grain fields. In the royal privilege of 1273, given to the Mesta by Alfonso X, the width of this passageway was to be "six *sogas* of forty-five spans each," which was equivalent to ninety *varas*, or about two hundred and fifty feet.[8] These were

[1] Paredes Guillen, *Historia de los framontanos Celtíberos* (Plasencia, 1888), with an interesting map of these Iberian highways, as marked by the *framontanos*.

[2] See below, p. 143.

[3] By far the most scholarly contribution to this discussion has been that of Leite de Vasconcellos, *Religiões da Lusitania* (Lisbon, 1897–1913, 3 vols.), iii, pp. 15–43, with an extensive bibliography.

[4] See above, pp. 3, 7.

[5] Lib. 8, tit. 3, ley 9; tit. 4, leyes 26–27; and tit. 5, ley 5. See also *Concordia de 1783*, ii, fol. 301 v.

[6] See below, pp. 161 ff.

[7] López Ferreiro, *Fueros de Santiago* (Santiago, 1895, 2 vols.), i, p. 366; Bib. Nac. Madrid, Ms. 714, fols. 340 v, 342: Privilegio de Segovia, 1208.

[8] *Quad. 1731*, pt. 1, p. 20; *Nueva Recop.*, lib. 3, tit. 14, ley 4, cap. 22.

the *cañadas reales*, or royal sheep highways, of which there were three principal systems: the western, or *Leonesa*, the central, or *Segoviana*, and the eastern, or *de la Mancha*.

The first named ran south of León through Zamora, Salamanca, and Béjar, where it was joined by a branch of the second or Segovian system, coming down from the northeast by way of Logroño, Burgos, Palencia, Segovia, and Ávila. From Béjar the *Leonesa* extended southward to the rich Estremaduran pasturage below Plasencia, Cáceres, Mérida, and Badajoz, with branches running down along the banks of the Tagus and Guadiana. It should be noted that this route did not stop abruptly at the border, but ran on into Portugal. Although the Mesta's Castilian codes and charters could not be enforced in the neighboring kingdom, nevertheless there had been for centuries, before the wars of 1641 put an end to the practice, a mutual recognition of migration privileges for the flocks of each kingdom in the lands of the other.[1] The second cañada system, the *Segoviana*, had, in addition to the above mentioned branch along the northern slope of the Guadarrama range from Logroño to Béjar, another route which was the most used of all Castilian sheep highways. This cañada also started at Logroño, crossed the important summer pastures near Soria and lay along the southern slopes of the Guardarrama by way of Siguenza, Buitrago, the Escorial, and Escalona. It was the principal artery of travel for the thousands of animals which wintered each year on the plains near Talavera, Guadalupe, and Almadén, and in the valley of the Guadalquivir. The eastern route extended from the highlands of Cuenca and the Aragonese border southwest across La Mancha [2] and the upper Guadalquivir to the lowlands of Murcia.[3] In addition to these

[1] Arch. Mesta, L–2, León, 1549.

[2] The valiant Don Quixote's famous encounter was doubtless with *transhumantes* from Cuenca.

[3] These details and the data for the accompanying map are from Arch. Hist. Nac., Calatrava Docs. Reales, iii, 163 (1306), 165 (1308), 220 (1339); Acad. Hist., Ms. E–127, fols. 249–256 (1332); *Cortes*, Palencia, 1313, pet. 45, and Burgos, 1315, pet. 32; *Concordia de 1783*, ii, fol. 299 v. There is an excellent map of the modern railway lines now used by Spanish migrants and of some of the 'anciennes routes' by Fribourg in the *Annales de Géographie*, May, 1910; but his data for the 'old' routes is evidently from eighteenth and early nineteenth century materials.

cañadas reales there were, of course, many lesser branches and connections, some of which came to be called *cordeles* and *veredas*. In the eighteenth century these were respectively one-half and one-quarter the width of the cañada real.[1]

The protection of these highways from encroachments on the part of adjoining landowners was intrusted to *entregadores*, the wandering judicial protectors of the Mesta, whose itineraries lay along the cañadas.[2] It can be well imagined that the landowners were under an unusual temptation to inclose a neighboring strip of land which lay unoccupied and unused during all but a few weeks of the year. The maintenance of a right of way for the flocks was, therefore, a matter of constant concern to the Mesta members and the entregadores. The integrity of the cañada system was the first prerequisite for the success of the whole industry; hence the solicitude with which that system was watched and defended, and hence the relentless litigation and the repeated guarantees on the part of the Mesta's royal patrons.[3] Evidence of the efficacy of these efforts in defence of the cañadas is found in the frequency and vehemence of complaints by the deputies in the Cortes. The chief object of these protests was the illegal extension of the highways by the entregadores.[4] Ferdinand and Isabella were particularly solicitous in their provisions for the protection of the cañadas. In 1489 they issued the first of a series of decrees which increased the penalties for enclosing the cañadas and strictly forbade any delays to the flocks because of alleged trespasses on lands adjoining those highways.[5]

During the middle decades of the sixteenth century, when the Mesta was enjoying its greatest prestige, the administration of the cañadas was given particular attention. In 1551 careful provision was made for the filing of reports by the entregadores after their inspection of the routes.[6] Furthermore, the crown issued

[1] *Nov. Recop.*, lib. 7, tit. 27, ley 11.

[2] *Quad. 1731*, pt. 1, p. 20 (1284); see below, pp. 86–87.

[3] See below, pp. 88–90.

[4] *Cortes*, Burgos, 1315, pet. 32; Valladolid, 1322, pet. 62; Madrid, 1339, pet. 32; Valladolid, 1351, cuaderno primero, pet. 44; Madrid, 1528, pet. 126.

[5] John II had issued a similar but less emphatic decree in 1454: *Quad. 1731*, pt. 1, pp. 149–163, 195.

[6] Arch. Mesta, Acuerdos (minutes of annual meetings), 19 Feb. 1551. These

several important decrees which protected the rights of way of the Mesta, especially by guaranteeing to the flocks definite routes across commons and unoccupied lands.[1] This measure was directed against the military orders and certain large cities, notably Toledo and Madrid, which for centuries had successfully confined the sheep strictly to their cañadas and prohibited their movements elsewhere within the jurisdiction of the town or order in question.[2]

This problem of the sheep marches in uncultivated regions and along unfixed routes, as contrasted with the well marked permanent cañadas, involves two types of routes. First, there were certain temporary ways, called *cañadas de hoja*, which lay across the segments (*hojas*) of land left fallow each year in accordance with a modified three-field system.[3] The intention of this arrangement was apparently to aid the agricultural interest by fertilizing the soil of the untilled strip, as well as to provide a passage for the migratory herds. More important than these, however, were the routes followed quite arbitrarily by the flocks across the open and waste lands, to which they claimed access by right of their royal privileges. Their lines of march in such regions were variable and indefinite, in contrast with the carefully bounded and policed cañadas. It was, therefore, inevitable that the Mesta

entregador reports (*deslindes* or *apeos*) fill over 60 volumes of manuscript and cover the period 1551–1796.

[1] *Quad. 1731*, pt. 1, pp. 167–169, 196 (1561–67).

[2] Arch. Ayunt. Madrid, sec. 2, leg. 358, no. 49: a series of litigations between Madrid and the Mesta, of the years 1300–48, in which the latter's right to cross open lands of the city was denied, because there was no cañada across such lands. Similarly the Mesta was required to obtain the permission of the archbishop of Toledo to open a cañada over certain waste lands of the archbishopric: Arch. Mesta, Prov. i, 2 (1431). The documents of a like case with the Duke of Infantazgo are found in Arch. Osuna, Jadraque, caj. 4, leg. 13, no. 1 (1502). See also Arch. Ayunt. Cuenca, leg. 6, no. 89 (1518): the brief submitted by Cuenca in a case against the Mesta, to force the latter's flocks to keep within the cañadas and not to use the common lands.

[3] Arch. Mesta, C–6, Castrillo, 1712: several sixteenth- and seventeenth-century documents on this subject. The Mesta codes are silent on the practice, which seems to have originated in long accepted custom and tacit agreement between the parties concerned. See below, p. 320, for a discussion of this topic with reference to the pasturage problem of the Mesta.

should come into constant conflict with the towns over alleged trespasses in commons and unenclosed local pastures.[1]

No description, however brief, of the system of national sheep highways would be complete without at least a mention of another and scarcely less important network of highways which was used by an organization closely allied to the Mesta. This body was the *Cabaña Real de Carreteros*, or Royal Association of Teamsters. It received its first official recognition in 1497, when Ferdinand and Isabella endowed it with a set of privileges not unlike those enjoyed by the Mesta. This charter of 1497 guaranteed to the teamsters freedom from nearly all local taxes while on their journeys about the country, the protection of a special judicial officer (*juez conservador*), and the right to pasturage on the common and waste lands in all parts of the realm.

This last point brought the Carreteros into frequent conflict with the Mesta. In 1730 there was fought out between the two a notable suit, in the course of which the former revealed the whole system by which goods were transported about the country.[2] This gild of the Carreteros had been favored with royal privileges, it appears, " because of its value to commerce within the country in times of peace, and as an equipment for the transfer of baggage in time of war." Charters were granted to the teamsters' organization in 1497, 1499, 1516, and 1553.[3] Its members came from Madrid, Valladolid, Toro, Zamora, Salamanca, and Tordesillas, in other words, the same highland towns of northern Castile where most of the Mesta members lived.

Most interesting of all, however, is the picture of the domestic commerce of Castile as it was carried on in the ox-carts of the Carreteros over a regular system or schedule of routes. According to a statement introduced in the above mentioned suit on behalf of the teamsters, " they usually spent the winters south of Toledo, where their oxen rested and regained their strength until April. On the first stage of their annual journey they carried loads of charcoal from the woodlands of Toledo to Talavera, the

[1] See below, p. 319.
[2] Arch. Mesta, Prov. iii, 49.
[3] *Nov. Recop.*, lib. 7, tit. 28, leyes 1–6.

home of the famous potteries, where they arrived about June. Thence they journed as far south as Seville [presumably with tiles, terra cotta ware, etc., for shipment to America]. They then started north across the Guadiana valley, bringing salt as far as Coria and Plasencia. Thence their route lay southeast to the highlands of Alcudia with wood for the mines of Almadén, whence they carried quicksilver to Seville for transportation overseas to the Mexican mines. Another circuit, after the wintering near Toledo, led northward to Madrid, to which point grain was brought and exchanged for wool at Segovia. This wool was taken up to Vitoria; and the carts were there loaded with iron for the north coast, where they took on salt and carried it to Vierzo and Ponferrada [in the upland sheep country west of León]. Then they returned eastward to Poza, near Burgos, where salt was loaded for Valladolid, Salamanca, and other parts of Castile." This picturesque, though practically unknown, system of internal trade has further interest because of its connection with the pastoral industry, notably in the transportation of wool and salt, and in the use of wayside pastures by the oxen. In 1750 the privileges enjoyed by Mesta members in the use of town commons were extended to the Carreteros.[1] This decree was confirmed and extended several times by Charles III (1759–88), who, it appears, was as anxious to encourage the organization of transportation within his realm as he was eager to destroy the Mesta.[2] The teamsters' association continued to handle the bulk of the domestic commerce of Castile until well into the nineteenth century.

We may now turn from this curious organization of migratory ox-cart traffic to the more intricate details of the flock migrations of the Mesta. The preparations for the southward march of the Mesta flocks, which began about the middle of September, did not include any of the formalities common to the beginning of the

[1] Arch. Ayunt. Burgos, Ms. no. 3119.

[2] Arch. Hist. Nac., Mss. Consejo de Castilla, leg. 158, no. 4; leg. 227, no. 9; leg. 434, no. 3; leg. 752, no. 1; leg. 817, no. 26; leg. 819, no. 2; leg. 877, no. 45; leg. 1446, no. 8. The last three of these are dated 1797–1818. As is explained below (pp. 132, 293, 345), the hostility of Charles toward the Mesta contributed largely to the downfall of the organization.

march of migrants in other countries.[1] In Castile the only ceremony was the daubing of the sheep with *almagre*, a reddish earth, thought by some writers to be intended as a dressing for the wool, and by others as a mark of ownership to minimize the confusion during the breaking up of the encampments. The animals of each owner were branded with his mark, and were kept together on the march.[2] All of his flocks, pack train, horses, cows, and swine, taken together as a group, were known as his *cabaña*.[3] The *cabaña real*, however, meant, not the flocks of the king, but the entire pastoral industry of the realm as governed by the king's decrees. This definition was used to check the military orders and powerful ecclesiastics when they undertook to form a great cabaña not subject to those decrees.[4] Each cabaña was under the general charge of a chief herdsman (*mayoral*), and was divided into flocks or *rebaños* of about a thousand head each.[5] Smaller flocks were called *hatos*, *manadas*, or *pastorias*.[6] The *rebaño* included five rams (*morruecos*) and twenty-five bell-wethers (*encencerrados*), and was in charge of a herder with four boys as assistants (*zagales*, *rabadanes*) and five dogs (*mastines*).

[1] The details here given on the practices of the migrants while on the march are from Manuel del Rio, *Vida pastoril* (Madrid, 1828), a curious account by a shepherd who dedicated his observations on his trade to the Mesta; Cano, *op. cit.*; William Bowles, *Introducción á la Hist. Natural . . . de España* (1782), pp. 520–530. See also Bertaux and Yver, "L'Italie inconnu," in *Le Tour du Monde*, 1899, pp. 270 ff., on practices of migrants in southern Italy, and Martonne, *op. cit.*, on pastoral festivities in the Carpathians.

[2] *Quad. 1731*, pt. 2, p. 244 (1499). There is no ground for the theory, sometimes expressed, that the name Mesta originated in the mixing of the flocks of different owners at the outset of the migrations.

[3] *Ibid.*, pt. 1, p. 49 (1347). The name cabaña was also applied to the cabin of a shepherd. See above, p. 5.

[4] *Nueva Recop.*, lib. 9, tit. 27, ley 11.

[5] In documents of the thirteenth century the rebaño is frequently called the *grey*; cf. Acad. Hist., Ms. 12–19–1, Fueros, privilegios . . . municipales, i, p. 422 (Alarcon, 1252). A law of 1563 which stipulated that the rebaño be made up of a hundred instead of a thousand head, seems to have had no effect: Cerbantes, *Recopilación de reales Ordenanzas de Bosques*, p. 652.

[6] Arch. Osuna, Béjar Mss., caj. 33, no. 11 (1457). The horses, oxen, or mules of a given locality were frequently herded together for short migrations. In Aragon and Navarre such herds were called *adulas*, *dulas*, or *viceras*: Jordana, *Voces Forestales*, p. 10; Borao, *Voces Aragonesas*, pp. 145, 353.

The latter were looked after with special care; in fact, they are still given the benefit of every consideration both by modern Spanish law and by all interested in the pastoral industry. The food allotment was the same as that for the shepherds. Injuries done to them were punishable by fines ranging upward from five sheep. The possession of a stray sheep dog was illegal, unless authorized by the Mesta at one of its annual meetings.[1]

The *rebaño* was accompanied by several beasts of burden which carried the equipment: the long net which served as the sheepfold at night, the leather bottles and primitive cooking utensils, the food for men and dogs, the salt for the flocks, and the skins of animals which died on the march.[2] The quota of salt was about a hundredweight for each rebaño, nearly all of which was consumed in the upland pastures. One of the most cherished of the Mesta's exemptions was that which freed it from the heavy salt tax.[3]

The few animals destined to be sold as mutton were given salt frequently in order to have them drink much water, which was supposed to fatten them. The use of mutton, however, was very uncommon in Spain, probably because migrations made the merino very tough [4] and because it was regarded as of greater value for its wool. In place of mutton, much pork was eaten, both because of its high quality, which was due largely to the abundance of acorn fodder, and because its consumption removed suspicions of Judaism.[5] It is curious to note that in a

[1] *Quad. 1731*, pt. 2, p. 222. The present day Asociación General de Ganaderos, the successor to the Mesta, devotes considerable attention to the maintenance of the better breeds of sheep dogs. The Castilian sheep dog was a short haired, heavy, muscular animal, capable of withstanding the fatigue of the long marches and of defending his charges against wolves and thieves, both of which were plentiful. Good types of these animals are shown in some of Velasquez's paintings.

[2] Arch. Osuna, Béjar Mss., caj. 58, no. 19 (1634): an inventory of one of these flocks.

[3] *Quad. 1731*, pt. 1, pp. 99, 101–102 (1528, 1571, 1592).

[4] The breed retains this characteristic today, even in regions where no migrations are undertaken.

[5] J. C. Dunlop, *Memoirs of Spain during the Reigns of Philip IV and Charles II* (1834, 2 vols.), ii, p. 399. Sorapán, in his *Medicina Española* (1616), pp. 130 ff., endeavored to increase the use of mutton by recommending its supposed medicinal qualities.

series of menus prepared in 1529 by a cook of Charles V, three-fourths of the 140 items or courses mentioned were meat and fowl, but only four of these were mutton.[1] The whole organization of the Mesta was shaped toward the growing of wool, and any consideration given to the production of meat was only incidental.

The animals at the head of the rebaño, as it set out upon its long march, were the sick and delicate sheep, the breeding ewes (*parideras*), and the rams (*morruecos*). These were the favored ones, which were thus given first access to the pastures along way. They were subject to special exemptions from confiscation for tolls and taxes, as were also the bellwethers (*mansos* or *encencerrados*).[2]

Any comment upon the number of migratory sheep in Spain must begin with the immediate dismissal of the extravagant and quite unauthenticated estimates of Caxa de Leruela,[3] Bourgoing,[4] Laborde,[5] Randall,[6] and others, who picture the Mesta as being made up of from 5,000,000 to 7,000,000 sheep in the sixteenth century. These imposing figures, we are assured, shrank in the seventeenth century to 2,500,000, largely as a result of the reforms enforced by the Cortes.

Previous to the sixteenth century, few reliable figures can be cited on the size of the migratory herds.[7] Fortunately, however, the account books of the Mesta, which are available from 1512, contain valuable statistics on this topic. Each year, at the winter meeting of the Mesta, the accounts of the previous year were balanced and dues were assessed. These dues were based upon

[1] Acad. Hist., Sempere Mss., Papeles varios Econ. Polit. B–127. See also Martinez Montiño, *Arte de Cocina* (many eds., 1653 ff.); Labat, *Voyages en Espagne et en Italie* (1730, 8 vols.), i, pp. 242–243.

[2] *Quad. 1731*, pt. 1, pp. 16–18 (1285); Arch. Mesta, C–10, Cañaleda, 1488; T–3, Toledo, 1555; Provs. i, 15 (1496), 57 (1554), 59 (1539); ii, 23 (1636); Arch. Osuna, Santillana Mss., caj. 9, leg. 1, no. 7 (1426).

[3] *Restauración de la Abundancia de España* (Naples, 1631). Leruela, who was an entregador in 1623–25, was endeavoring to show the havoc wrought in the industry by the reformers of his time.

[4] *Tableau de l'Espagne moderne* (2d ed., Paris, 1797, 3 vols.), i, p. 89, note.

[5] *Itineraire descriptive de l'Espagne* (3d ed., Paris, 1827–30, 6 vols.), v, p. 248.

[6] *Fine Wool Sheep Husbandry* (New York, 1863), pp. 6–7.

[7] The accounts of the royal sheep toll in the Arch. Simancas, Cuentas, Servicio, y Montazgo, are fragmentary before the reign of Ferdinand and Isabella.

the debit balance, which was distributed among the members in accordance with the number of sheep that each possessed. That number was ascertained by representatives (*procuradores*) of the Mesta, who were present at the royal toll gates along the cañadas. During the greater part of the sixteenth century, when the Mesta was at the height of its strength and importance, this pro rata assessment was fixed as accurately as possible. After 1566 the tendency was to form only a rough estimate of the flocks and use that as a basis for the assessment. The results of this count will serve to indicate the average size of the Mesta flocks during its most prosperous period:[1]

1477....2,694,032	1531....2,521,200	1547....2,693,302
1512....2,590,661	1532....2,600,000	1548....2,738,677
1514....2,895,471	1533....2,500,000	1549....2,705,000
1515....2,745,546	1534....2,600,000	1551....2,227,182
1516....2,775,250	1535....2,380,000	1552....2,863,750
1517....2,860,632	1536....2,495,797	1553....2,857,214
1518....2,934,057	1537....2,066,554	1554....2,750,000
1519....3,177,669	1538....2,650,914	1555....2,372,000
1520....3,027,608	1539....2,905,548	1556....2,622,890
1521....2,538,270	1540....2,678,947	1557....2,180,074
1523....2,822,264	1541....2,528,590	1558....1,903,636
1524....2,543,961	1542....2,711,213	1559....1,746,811
1526....3,453,168	1543....2,780,764	1560....2,034,911
1527....2,853,648	1544....2,302,018	1561....2,128,797
1528....3,014,440	1545....2,580,000	1562....1,673,551
1529....2,613,000	1546....2,712,548	1563....2,303,027
1530....2,528,883		

Two points of fundamental importance are brought out by these figures: first, in no year did the number of sheep equal even half of the estimate of the writers cited above; and second, the decline began long before the reforms of the early seventeenth century were undertaken. At no later period was the average of

[1] The figures for 1477 are from the *Censo de Población* (Madrid, 1829), p. 108. All are given as 'sheep,' though they include a few cows, horses, goats, and swine, which were resolved into 'sheep' on the basis of six sheep for one cow or horse, with goats and swine counting the same as sheep. The number of these was so few, however, that this point does not materially detract from the value of the figures. During the first half of the sixteenth century the 'sheep' rating of these animals averaged between 250,000 and 300,000 a year. The figures given for the years 1532–35, inclusive, are evidently estimates.

these figures ever surpassed. In other words, the transhumantes were most numerous during the first decade of the reign of Charles V, and their numbers fell off steadily after the zenith had been passed. These figures place the beginnings of Mesta decadence in the period 1550–60, which is more than a century earlier than the time when the collapse of the organization is commonly believed to have begun. The reasons for this discrepancy are of fundamental importance in the history of the institution; we shall consider them in detail later on.

The question of the distance traversed by the sheep before they reached their southernmost destinations is one which may be disposed of here. The flocks from León and Soria travelled between three hundred and fifty and four hundred and fifty miles from their summer feeding grounds, while those from Segovia and Cuenca usually journeyed one hundred and fifty or two hundred miles.[1] In traversing the highways between cultivated lands, the daily march was sometimes as much as fifteen or eighteen miles; but across open country the speed was usually only five or six miles a day. In general, a month sufficed to cover the distance, and the last of October usually found all of the transhumantes in their winter camps on the rolling pastures of Estremadura and Andalusia, or the sunny Mediterranean lowlands. The lambs were born soon after the arrival in the southern pastures, and in the following March they were ready to be branded on the nose with the owner's mark, and to have the future breeders among them sorted out.

While on their way to the southern pastures and during the winter months there, the sheep owners occasionally disposed of animals in wayside town markets. The ever increasing number of sheep thus sold, which were called *merchaniegos*, illustrates one phase of the very important influence of the Mesta upon the growth of national markets, the spread of trade from local and metropolitan districts into larger areas.[2] While in the southern

[1] Arch. Mesta, P–6, Puertos, 1605: details of migrations from Burgos to Mérida and the Portuguese border. Ibid., P–6, Puebla de Montalbán, 1562; T–3, Toledo, 1589; V–4, Villalpando, 1500; Y–2, Yscar, 1503; and Z–1, Zamora, 1758.

[2] See below, pp. 30 ff.

pastures, the shepherds occasionally bought non-migratory sheep in neighboring towns. These animals, called *chamorras*, were used to provide mutton and cheaper grades of wool to be sold on the northbound march.[1]

The departure from the southern plains began about the middle of April, and the sheep were clipped in sheds along the way. Each rebaño, as it arrived at its clipping station, was kept over night in close quarters, so that the wool might be softened by the perspiration, and thus the clipping be easier and the fleece, which was sometimes sold in the grease, heavier. The clippers worked in corps of one hundred and twenty-five, each corps being able to dispose of a rebaño of a thousand head in a day. The wool, if not sold in the grease, was then washed, and taken away to be stored in one of the central *lonjas*, or warehouses, of which the largest was in Segovia. Finally it was removed to the great fairs, especially that at Medina del Campo, or to the north coast ports for shipment to Flanders and England. After the clipping there came a short interval of rest for recuperation and acclimatizing, and the journey was then resumed in slow stages. By the last of May or early June the flocks were once more in their home pastures in the northern uplands around Soria, Segovia, Cuenca, and León.

[1] Arch. Mesta, Servicio y Montazgo, leg. 2, no. 1, Esteban Ambran, 1707–08.

CHAPTER III

MARKETING

Wool marketing in Italy and Aragon. Early exports of Spanish wool to England. Organization of the export trade by Ferdinand and Isabella. The Burgos Consulado or Trade House. Its foreign branches. Its contact with the Mesta at the Medina del Campo fair. The Mesta and the trade with the New World. Organization of the domestic wool trade. Dealing in 'futures.' Middlemen. Trade policies of the Hapsburgs.

WHEREVER the migratory sheep industry appeared, the herdsmen soon carried on a thriving trade in the markets and fairs along the routes of the flocks. The southbound autumn journey of the migrants usually coincided with the period of town fairs of the harvest season, and large sales of pastoral products were usually made. A large part of the supplies necessary for the shepherds and their charges were secured in the near towns in exchange for wool, skins, meat, and cheese. The sheep owners among the Berber nomads were always active traders.[1] In the uplands of southern France and in Navarre, trade between passing shepherds and wayside townsmen had become so active that it was necessary to regulate it carefully, in order to prevent the sale of stolen animals by the shepherds, and to check possible violations of strict gild rules by local merchants in their dealings with the herdsmen.[2] The Navarrese towns protected themselves against these intrusions of strangers in the local markets by assessing taxes or *lezdas* upon goods thus brought in.[3]

The pastoral products of the migrating herds in southern Italy had, from the early Middle Ages down to the eighteenth century, been sold exclusively at the annual fair in Foggia under strict royal supervision. This was the solution of what to the mediaeval

[1] Bernard and Lacroix, *Nomadisme en Algérie* (Paris, 1906), p. 207.

[2] Cavaillès, "Une fédération pyrénéene sous l'ancien régime," in the *Revue historique*, cv, p. 29; Alonso, *Recop. Fueros Nav.* (Madrid, 1848, 2 vols.), ii, pp. 353 ff.

[3] Yanguas, *Dic. Antigüedades Navarra*, ii, p. 200; Coello, *Impuestos de León y Castilla*, p. 650; Muñoz, i, p. 239.

mind was undoubtedly one of the chief objections to the whole practice of large scale sheep migrations, namely the inevitable promiscuity of unregulated marketing activities. The difficulties in the way of imposing the time-honored trade regulations upon a large and mobile group of producing merchants, or rather marketing producers, were all too obvious. The operations of these itinerant trader-herdsmen covered all corners of the realm; and it was undoubtedly this very characteristic, and the consequent impossibility of enforcing any of the exacting stipulations which were held by mediaeval public opinion to be so indispensable in all economic relations, that led to the insistence upon the restriction of all their marketing to one point. It has been said that the concentration of the winter products of the migrants in the royal warehouses at Foggia, for sale under the supervision of crown officers, was largely for fiscal purposes. More especially, however, was it intended to facilitate the inspection of quality, the maintenance of prices, and the regulation of supply which were the essence of the local market in the later Middle Ages.

In the case of the Aragonese migrants, attempts were made to check their marketing activities by severe restrictions, and especially by the imposition of heavy export duties, not upon the sheep, since these would supposedly return to Aragon, but upon the supplies carried by the shepherds.[1] Such measures, it was hoped, would prevent trading in goods the export of which was forbidden, and would, in general, minimize a form of commerce which, because of its movement through sparsely settled border towns, was difficult to regulate. After the union of Castile and Aragon this curiously mediaeval policy was continued. A custom house was maintained at Huelamo in the Castilian province of Cuenca, on the main route of the Aragonese flocks to their southern pastures. Even the movements of the flocks and their supplies a short distance across the border were carefully observed and restricted. In order to guarantee their return, all animals

[1] On several occasions the Aragonese kings undertook to assess tariffs upon the sheep, but they were promptly reminded of certain acknowledged exemptions. Cf. the arguments by an attorney of the Saragossan *Casa de Ganaderos* in 1693, in a broadside beginning, " Señor, Don Juan Franco y Piqueras "; also Brieva, *Colec. de Órdenes*, p. 131, n. 3.

and pastoral products had to be registered, and the collection of heavy registration fees caused frequent quarrels between the exasperated herdsmen and the overzealous royal collectors.[1]

In Aragon the migratory sheep industry lacked that national organization which gave the Castilian shepherds such power in their dealings with the crown's tariff collectors. The Aragonese migrants were split up into various local units — the mesta of Albarracín, the *Casa de Ganaderos* of Saragossa, the *ligajo* of Calatayud, the *cofradía* of shepherds of Letux, etc. As a result of this lack of cohesion and unity of action, the marketing activities of the migrating herdsmen could readily be checked both by the crown and by the leagues or *comunidades* of pasturage towns.[2] Gild rules were imposed by the central government, establishing certain regulations to govern the marketing of wool and its products.[3] Nevertheless, there was a fairly active trade carried on by the Aragonese herdsmen, who brought down dairy products for the coast cities and wool for export and for the Valencian cloth factories. This trade between the Aragonese highlanders and the southeastern seaboard sprang up immediately after the Moors had been driven from the coastal plains during the middle decades of the thirteenth century. The customs barriers upon the traffic of the Aragonese migrants were not removed until the close of the seventeenth century. In 1693 the Royal Council finally granted the privilege of free and unrestricted movement across the border.[4] Thus one of the fiscal relics of mediaeval Spain, the Spain of separate kingdoms, contending sectionalism, and closely restricted marketing, was swept aside.

The migratory pastoral industry was evidently a force of considerable importance in breaking down the confining barriers of mediaevalism which had prevented any acceleration of commercial activity. The long and regular marches of the herdsmen and their animals spread the market area for pastoral products

[1] Arch. Mesta, H–1, Huélamo, 1526 ff.: documents of a long series of such disputes during the sixteenth century.

[2] See below, p. 299.

[3] Parral, *Fueros de Aragón*, ii, pp. 403, 414: *For. Regni Arag.*, lib. 4, tits. 627, 633–634.

[4] Arch. Mesta, H–1, Huélamo, 1695.

beyond the restricted local areas and even beyond the national frontiers.

The Castilian towns displayed this same spirit of hostility toward the marketing activities of the migratory shepherds. The universality of *portazgos* and similar taxes upon goods brought to local fairs and markets by strangers [1] was due, in part, to the widespread movements of the migrating flocks. The latter were, however, by no means friendless in their wanderings. From the earliest times, royal charters were issued in favor of the migrants of loyal towns or monasteries, granting them unrestricted and untaxed entry into local markets in a large part or the whole of the realm.[2] In some rare instances, the favored flocks were granted exemption from the royal customs duties levied at the frontiers.[3]

The first known charters of the Mesta — those of 1273 and 1276 — guaranteed to the members of that organization the right to trade their pastoral products for supplies in wayside markets, and to dispose of not more than sixty sheep from every flock in a given town, regardless of local ordinances prohibiting trading by strangers.[4] This was one of the most jealously guarded privileges of the Castilian migrants; confirmation of it was secured on every favorable occasion, not only from the crown [5] but also by written agreements with the towns themselves.[6]

It should be carefully noted that the Mesta itself entered into no commercial relations, owned no sheep, and took no part in marketing any pastoral products. It was simply a protective association, designed to facilitate the operations of its members,

[1] See below, p. 165.

[2] Muñoz, i, p. 509: fuero of 1133; Ulloa, *Privs. de Cáceres*, p. 115: edict of 1293; see also below, p. 168.

[3] González, vi, p. 110: an exemption of 1258 in favor of the flocks from Alicante which crossed the Aragonese border.

[4] *Quad. 1731*, pt. 1, pp. 38–41.

[5] *Ibid.*, pp. 23, 42–45, 61: charters of 1285, 1295, 1347, 1395 ff. See also *Nov. Recop.*, lib. 9, tit. 4.

[6] Arch. Mesta, T–2, Toledo, 1376: a concordia or agreement between the Mesta and Toledo, granting the former certain privileges in the markets of the latter. Similar agreements were made with such important metropolitan markets as Granada and Seville.

to plead their cases at court, and to secure for them every possible advantage. But although the Mesta took no direct part in marketing wool, its persistent activity on behalf of its members was undoubtedly the chief reason, not only for the remarkably early nationalization of wool and sheep marketing throughout Castile and the breakdown of mediaeval local restrictions upon this traffic, but also for the far more important development of an organized, large scale export trade in wool.

The history of the Spanish wool trade is yet to be written. It is a phase of European commercial history which for its significance and diverse and widespread influence has long merited far more attention than it has received.[1] Here we may note only certain aspects of this extensive subject, namely the part played by the Mesta in encouraging that trade and in the introduction of merino wool into the markets of the world.

At least as early as the twelfth century there had grown up a more or less irregular exportation of Spanish wool to England. In 1172 Henry II of the latter country had attempted to protect the interest of the English wool growers by forbidding this traffic.[2] A century elapsed, however, before an overseas wool trade was undertaken by the Spaniards with any regularity; and then, within a generation after the founding of the Mesta, the fine Castilian wools were beginning to appear in the ports of England and Flanders. It was soon found necessary to establish a factory or trading post of Spanish wool merchants at Bruges.[3] Furthermore, the customs reports of the incoming trade of Southampton, Sandwich, and Portsmouth, from 1303 onward, note the arrivals

[1] There is a wealth of untouched material upon this subject in the town archives of such north coast ports as Bilbao, San Sebastián, and Santander, and of the important interior wool markets of Burgos and Segovia. The archives of the ancient *consulados* of some of these cities are also prolific in manuscripts on this topic. Simancas documents upon the fairs of Medina del Campo are an obvious source of further data, since that city was one of the points of concentration for outward bound wool shipments. A beginning has been made in the study of the east coast wool trade by Ventalló Vintró's *Historia de la Industria lanera Catalana* (Barcelona, 1907).

[2] Adam Anderson, *Origin of Commerce*, i, p. 127; ii, p. 350; John Smith, *Chronicon Rusticum*, i, p. 69.

[3] *Cartulaire de l'ancien consulat de l'Espagne à Bruges.*

of various consignments of the Spanish staple almost every year.[1] These shipments evidently came from ports on the north coast of Spain — San Sebastián, Santander, and Bilbao — where the wools of Mesta flocks were concentrated for shipment each summer after the northward migration. As a result of this rapidly growing trade, various *cofradías* or gilds of merchants and shipping interests were soon organized in the north coast cities.[2]

It is evident, then, that an active export traffic in wool was noticeable at least fifty years before those middle decades of the fourteenth century which were marked by the vigorous patronage of Alfonso XI and the devastations of the Black Death. It will be recalled that Alfonso and the Plague have commonly been held responsible for the introduction of sheep migrations on a large scale and for the rise of the Mesta. The Great Pestilence may have cleared the land for more pasturage and the support of Alfonso XI undoubtedly helped the Mesta, but it is certain that a rapidly growing Castilian sheep raising industry was making itself felt in the foreign wool markets many years before the days of the great Alfonso and the epidemic of 1348–50. While the development of the overseas wool trade was perhaps too early in the history of the Mesta to permit us to ascribe it entirely to the appearance of that body, nevertheless the two events are evidently associated. The Mesta, as will be explained later, grew in power, and the wool exportations expanded, because the industry which both represented was steadily increasing in importance. Castile had, in fact, by far the most active and productive pastoral industry of any country in Europe in that period. Instead of receiving her first highbred sheep from England, as has been some-

[1] N. S. B. Gras, *Early English Customs System* (Cambridge, 1917), §§ 32, 35, 37, 39, 43.

[2] Cf. Eloy García de Quevedo y Concellón, *Ordenanzas del Consulado de Burgos* (Burgos, 1905), and *Ordenanzas de la Ilustre Universidad Casa de Contratación y Consulado de San Sebastián* (Oyárzun, 1814), drawn up in 1511 for the newly organized Consulado of Bilbao. In each of these cases, however, the origins of the organizations can be traced back to the early fourteenth century. See also the *Documentos . . . para la Historia de Pontevedra*, iii (1904), containing the ordinances of a similar gild in Pontevedra. These mediaeval codes were used as models for the ordinances of the merchant gilds of Saragossa (1771) and Valencia (1776).

times alleged, she had long been "famous . . . for fine cloth, before the English knew what it was to be clothed." [1]

In order to prevent the development of foreign competition in the fine wool trade, the strictest rules were laid down by the national Cortes, at the behest of the Mesta, prohibiting the exportation of sheep from Spain.[2] Migratory flocks crossing the frontier on their annual migrations into Portugal, Aragon, or Navarre were required to register in order to insure the return of all animals. Heavy penalties were levied upon any herdsman within twelve leagues of the borders if he could not produce a registration card for his sheep.[3] The export of the wool itself came to be restricted in the course of the fifteenth century, when the native cloth factories had become important enough to demand consideration. In 1442 schedules of cloth prices were promulgated so as to protect the coarser native fabrics. Seven years later, heavy import tariffs and frequent prohibitive edicts were used to check the importation of foreign goods. Finally, in 1462, the exportation of more than two-thirds of the wool clip for any given year was prohibited.[4] Charles V later undertook to limit the supply for foreign trade to a half of the annual clip, with a view toward further encouraging the native cloth industry. This brought forth, however, such vehement protests from the Mesta, and from the merchant gild of Burgos, where the exportable wool was gathered for overland shipment to the north coast ports, that the original proportions of two-thirds for export and one-third for home consumption were restored.

The energies of the Mesta leaders, who were never far from the court, had been concentrated more and more, toward the close of the fifteenth century, upon the necessity of expanding the over-

[1] Smith, *Chronicon Rusticum*, i, p. 69.

[2] *Cortes*, Palencia, 1313, pet. 17; Burgos, 1315, pets. 17, 18; Valladolid, 1322, pet. 43; Madrid, 1339, pet. 5.

[3] *Nueva Recop.*, lib. 6, tit. 18, ley 21.

[4] *Nueva Recop.*, lib. 6, tit. 18, ley 46; *Cortes*, Toledo, 1462, pet. 27; Laborde, *Itineraire descriptif de l'Espagne* (3d ed., 1827–30), v, p. 330; *Las prematicas que S. M. ha mandado hazer* . . . (Alcalá, 1552). The last-named volume comprises a rare collection of edicts concerning the wool trade during the period 1440–1551. A copy of it is in the Paris Bib. Nat. (Rés. F. 1257: 9) See also Monterroso, *Práctica para escribanos* (Madrid, 1545), p. 143.

seas wool trade. This was, according to their arguments, an indispensable source of royal revenue, a certain means of making England and Flanders the debtors of Castile, and, in short, of capitalizing most advantageously the leading natural resource of the peninsula.

It was during the reign of Ferdinand and Isabella that this policy of aggressively promoting wool exports received its greatest encouragement. It became the keynote of the commercial programme of those royal devotees of mercantilism. With their characteristically shrewd appreciation of Spanish regard for tradition, they ostentatiously turned to the past, avoided abrupt innovation, and veiled the coming of their wool trade campaign by confirming the edict of 1462. As we have noted, the latter document undertook to conserve the supply of Spain's 'classic staple' as the basis of a native textile industry. As time went on, however, it gradually became apparent that, for the first time in history, the commercial affairs of the Spanish kingdoms were administered upon a carefully planned policy aimed persistently at one definite purpose, namely, the exportation of those raw materials for which the greatest quantities of gold and foreign commodities could be secured in return.[1]

The first step of Ferdinand and Isabella in this programme was in connection with the organization of the wool export trade. The efficiency of the Spanish factories at Bruges, London, La Rochelle, and Florence was given careful attention and the merchants interested in them were endowed with special privileges.[2] The importation of foreign cloths into Castile, which had long been extensive and had now taken on increased activity as a corollary to the heavy wool exports, was at first encouraged. It was not until after Isabella's death (1504) that Ferdinand made some attempts to develop a native woollen cloth industry. He introduced elaborately detailed gild regulations and even prescribed a form of domestic or 'putting out' system, whereby

[1] Further details of this mercantilism of the Catholic Kings may be found in Haebler, *Wirtschaftliche Blüte Spaniens*, pp. 6–7, and in Ansiaux, "Hist. écon. de l'Espagne," in *Revue d'économie politique*, June, 1893, p. 528.

[2] *Nueva Recop.*, lib. 3, tit. 13, ley 1.

successive manufacturing processes were completed in turn by different groups of workmen, operating through intermediaries not unlike the *entrepreneurs* of the seventeenth-century English cloth industry.[1]

The expulsion of the Jews in 1492 made necessary a further impetus to the exportation of wool and other available raw materials. This was due to the fact that the Jews formed the largest group of merchants in Spain familiar with money economy, and handled most of the operations of foreign exchange. The interval between their expulsion and the coming of the Flemish and Italian satellites of the Emperor Charles—a gap of nearly thirty years—was a period of confusion in the affairs of Castilian merchants. It was inevitable, therefore, that the latter should be encouraged by their sovereigns to turn to the exploitation of the wool trade as one of the obvious means of adjusting their foreign obligations.

This was the situation which in 1494 brought into existence the famous *Consulado* or foreign trade house of Burgos, to be followed in 1511 by the establishment of a similar institution at Bilbao on the north coast. After the edict of expulsion of 1492, business, particularly the wool export trade, had become hopelessly clogged. Litigations were being delayed, apparently because of inadequate experience with the mechanism of foreign trade, until, in the words of the decree of 1494, " some commercial suits bade fair to become immortal." The *Consulado* was therefore founded at Burgos on the lines of certain trade administrative courts of Barcelona and Valencia. According to the decree, the

[1] *Nueva Recop.*, lib. 9, tit. 27, ley 6; tit. 28, ley 1, and tit. 29, ley 6; Prescott, *Ferdinand and Isabella*, pt. 2, chap. xxvi; Capmany, *Cuestiones crît.*, pp. 25–72. Guicciardini, *Opere*, vi, pp. 275–276, makes mention of some attempts to promote a cloth industry in 1512; see also Clemencín, *Elógio*, p. 244; *Cortes*, Madrid, 1515, pet. 14; and the city ordinances of Seville, approved by Ferdinand and Isabella in May, 1492, regulating the operations of 31 weavers in that capital: *Ordenanças de Sevilla* (Seville, 1527), fols. 206–211. The latter were elaborated by Ferdinand in 1511 into a code of 118 paragraphs specifying details on wool-washing, widths and weights of cloth, adulteration, dyeing, inspection, and the distribution of the cloth in successive stages of completion among various crafts: cf. Ramirez, *Pragmáticas*, fols. clxxvii–clxxxiv. Upon earlier regulations of the native cloth industry and the restriction of the sale of foreign cloths, see Ramirez, fols. cxvii–cxix (1494–1501).

institution was intended " to expedite shipping by organizing the exportation of goods in fleets, to prevent fraud and theft by merchants and intermediaries," and, in short, to build up an efficient marketing organization to handle the raw materials of northern Castile, especially the wool from the Mesta flocks.

The establishment of this export house, coming as it did upon the heels of the first extensive codification of the laws of the Mesta itself,[1] was clearly a part of a broad plan to build up for the whole wool industry, from pastures to market, a comprehensive organization to facilitate the exploitation of this great resource. The details of the operations of the Consulado were carefully defined, and the specifications were strictly enforced by the watchful Isabella and her agents. The prior and Consulado of Burgos were to be under royal supervision, and were to have charge of the loading and allocation of the ships belonging to the fleets (*flotas*). After these vessels had assembled at north coast ports, notice was sent to wool growers of Burgos, Segovia, Logroño, and the other home towns of Mesta members, announcing the time when and where their wool for export was to be gathered. The ships used were to belong only to native Spaniards. Factories or selling agencies were to be maintained in Flanders, France, and England at specified points; and the *factores* were to carry on all their operations according to instructions from the Burgos office, to which they were to send their accounts each year for auditing. The books were then to be sent to the great fair at Medina del Campo in charge of a committee of merchants, two representing the Burgos office and two the wool growers and merchants of other towns. The committee was then to assign the proper shares of the profit to each of the growers and merchants contributing wool for the transactions of the Consulado. These claims of Mesta members upon shares in the profits of the wool trade were frequently used, during the financial difficulties of the first Hapsburgs, as securities for heavy loans to the crown by the Mesta.[2] It is clear, then, that although the latter had no share

[1] See below, p. 49, on the code of Malpartida, 1492.

[2] Arch. Mesta, Cuentas, Feb., 1537, Aug., 1537, Feb., 1544: the accounts of such transactions. See also below, pp. 279 ff.

directly in the development of improved marketing methods, it supplied a considerable part of the machinery needed by the sheep raisers to carry out their part in the new arrangements. In the end, the Mesta profited heavily in the large sums it was able to raise from the Medina bankers during the sixteenth century, thanks to the annual liquidation of the wool export obligations at the great fair.[1]

A further feature of interest in connection with this matter of the organization of the wool trade is the fact that the shipping department of the Consulado of Burgos became the immediate model for the more famous Casa de Contratación at Seville. This ' House of Trade ' was established in 1503, for the management of the transatlantic *flotas*, and in fact the whole of the trade with the New World.[2] The experience of the Spanish monarchs in organizing their wool export had, in fact, been almost their only training in dealing with such a problem of commercial administration. Out of this successful experience there grew the conviction that large scale overseas traffic was best handled by the *flota* or fleet system — a device well known long before this to the Venetians and other traders — and by a concentration of foreign trade management in a single institution having both judicial and administrative functions.

Simultaneously with this unusual interest in the organization of exporting, came an appreciation of the necessity for more careful attention to the promotion and regulation of internal marketing. The easy-going Henry the Impotent, Isabella's brother and predecessor, had lavished various commercial concessions upon his favorites. The *diezmo del mar*, or export tax collected at the ports, was bestowed in 1469 upon one of the courtiers, who proceeded to reap a rich harvest in wool export taxes.[3] This valuable

[1] The full text of the 1494 edict is found in Ramirez, fols. cxlvi–cxlviii. See also Clemencín, *Elógio*, p. 249; Haebler, *op. cit.*, p. 50, n. 9; Ventalló, *op. cit.*, *passim*; Altamira, *Hist. de España*, ii, pp. 490–500; T. Guiard y Larrauri, *Hist. del Consulado de Bilbao*, vol. i (1913); García de Quevedo y Concellón, *Ordenanzas del Consulado de Burgos*.

[2] Cf. C. H. Haring, *Trade and Navigation between Spain and the Indies* (Cambridge, 1918).

[3] Haebler, *op. cit.*, pp. 113, 119.

source of income was not regained by the crown until 1559. Henry had also disposed of monopolies covering the domestic trade in certain pastoral products, notably hides, but these concessions were soon revoked by Ferdinand and Isabella.[1] Constructive legislation was then undertaken in order to build up internal commerce within and between the now united kingdoms of the peninsula. A series of decrees was issued modifying the previously prohibitive customs duties and restrictions upon trade across the Castilian-Aragonese border.[2] These measures were particularly welcome to the Mesta herdsman, whose migrations into Navarre and Aragon were much hampered by the refusals of the royal agents at the *puertos secos*, or border customs houses,[3] to allow any supplies to be carried by the shepherds without payment of *diezmos*, or export duties. In some cases these restrictions had even been interpreted so as to prevent the flocks themselves from leaving Castile. Arrangements were now made for the registration of flocks crossing the frontiers and for the assessment of nominal tariffs, or none at all, upon such animals as were sold before returning to Castile.[4] An edict was also issued establishing standard grades and weights for the wool trade throughout the kingdom — a measure which was epoch-making in the commercial history of Spain and was profoundly significant in the development of the pastoral industry.[5]

Even more important evidence of the improvement in marketing methods is found in the regulation of what had been regarded as the questionable operations of middlemen (*revendedores*) [6] and dealers in wool ' futures.' The latter class had been most obnoxious, especially because of the " dangerous atmosphere of chance which was about all their transactions," according to the Mesta

[1] *Cortes*, Toledo, 1480, cap. 79.

[2] Ramirez, *op. cit.*, fols. xc–xcii, cxxxiii, cxlv–cxlvi (1488–1503).

[3] For a brief account of these *puertos secos* see Ripía, *Rentas Reales*, iv, pp. 180 ff.

[4] *Cortes*, Toledo, 1480, pet. 111; Arch. Mesta, A–5, Alcázar, 1487, exempting all supplies and animals en route to Murcia from tariffs; similarly, Prov. i, 10 (1488); C–1, Cáceres, 1494, established rules for the registration of flocks crossing the Portuguese border.

[5] Clemencín, *Elógio*, pp. 248–251; Arch. Mesta, Prov. i, 55 (1488).

[6] *Concordia de 1783*, i, fols. 239–240: texts of ordinances of 1511 regulating the transactions of wool middlemen.

ordinances of 1492, which reflected the mediaeval suspicion of such 'non-essential' services. Then too, the sheep owners were hostile toward the middlemen because of the entangling contracts into which the latter inveigled Mesta members in order to secure future deliveries of wool. For example, in case the clip of any wool grower happened to fall below the contracted quantity, the deficiency usually had to be filled by the grower from purchases made elsewhere, for which exorbitant prices were paid. It must be noted, however, that neither the transactions of the *revendedores* nor the dealings in futures had been entirely prohibited; and as Isabella studied the problem, she evidently came to appreciate the possibilities of the service rendered by those engaging in this form of trade. Finally she formally recognized the middlemen and approved of their operations, under certain strict regulations, because such recognition meant further specialization of industry and the segregation of the wool marketers into a separate group so that they might be definitely placed under royal supervision.[1]

Even these transactions in wool, however, were usually restricted to a few important concentration points, such as Medina del Campo, Segovia, and Burgos. Not until the close of the Middle Ages were itinerant traders given any consideration or security under the ordinances of the more remote towns and villages of Castile. This attitude was not altogether unjust, for the smaller communities felt a not altogether unmerited suspicion about the title of wandering merchants to the goods which they offered for sale.[2] The expulsion of the gypsies and of the Moors after the capture of Granada had freed the country of many roving peddlers, whose dealings had given a most unsavory reputation to all trading in rural districts. Another step which had greatly facilitated the wayside trading of the Mesta members was the organization in 1476 of the national *Hermandad*, the 'brotherhood' of rural police, which exterminated most of the lawlessness of the

[1] Arch. Ayunt. Cuenca, leg. 5, no. 98 (1498); Arch. Mesta, Prov. i, 17 (1498).

[2] The Navarrese law required that proof of ownership should be given by any stranger offering sheep for sale in local markets. *Nov. Recop. Leyes Nav.* (Pamplona, 1735, 2 vols.), lib. 1, tit. 20, ley 21.

country districts. For the first time in Castilian history the thinly populated southern plains were safe for honest migrating traders.[1]

There was evident, then, for the first time, the development of a distinctly national marketing, as contrasted with the older, more restricted trading in metropolitan or large city centres. The domestic commerce of mediaeval Castile was largely concentrated in a few widely scattered urban districts, which were almost completely isolated from one another, except during the brief periods of their annual fairs. The evolution of the wool and sheep trade from this more or less irregular activity into an unhindered, nation-wide traffic, binding together the various commercial centres, was the outcome of the nationalizing policy of Ferdinand and Isabella. They made full use of the Mesta, its itinerant attorneys and entregadores, in order to sweep aside the obsolete restrictions by which local prejudice and suspicion had prevented the entrance of the migratory traders into town markets. In spite of this assistance, however, the wool trade continued to be largely an export business because of the lack of a native cloth industry, and the shipments were still concentrated very largely in Burgos and the north coast ports, as described above.

The conspicuous feature of this newly stimulated domestic trade in pastoral products was the sale of Mesta sheep in the markets of towns along the cañadas. Hitherto the herdsmen had displayed little interest in this traffic in live animals. Because of the encouragement given by Ferdinand and Isabella, however, sheep trading became so general that a new term came into use to designate animals offered for sale in wayside towns by the Mesta shepherds. These market sheep were called *merchaniegos*, in contrast to the *cabañiles*, which were animals of the *cabañas* or flocks en route to pasture.[2] With the vigorous support of the

[1] On the activities of the mediaeval town *hermandades* and the constitution of the national body, see Merriman, *The Rise of the Spanish Empire*, ii (1918), pp. 100–104.

[2] One of the earliest instances of the term *merchaniego* is in Arch. Simancas, Mss. Diversos Castilla, no. 117 (*ca.* 1480): "merchaniegos que se mercare en las ferias et en los otros lugares fuera de los terminos" — a definition showing the use

sovereigns and the active coöperation of the *corregidores* — administrative and judicial officers representing the crown in the towns — the Mesta secured written guarantees from many towns allowing the unrestricted and untaxed sale of sheep in the local markets.[1] But the most important concession in this connection was not from the towns but from the crown. In 1495 a decree was issued exempting Mesta members from payment of the *alcabala*, which was a blighting tax on sales and one of the chief sources of income for the royal treasury.[2] This proved to be one of the most helpful of all the measures enacted by Ferdinand and Isabella to encourage the marketing of pastoral products in Spain.

The results of this systematic campaign were soon evident. The number of sheep marketed in various towns along the cañadas and near the southern pastures rose steadily from about 10,000 a year at the beginning of the sixteenth century to 96,000 in 1535.[3] These animals were used, for the most part, to improve local non-migratory herds and to build up the *estante* or sedentary pastoral industry. The latter increased steadily in importance during this period and eventually became as formidable a rival and opponent of the special privileges of the Mesta as were the agricultural interests.[4] Similarly, the foreign wool trade had grown with great rapidity and reached its height during the reign of Charles V, when, according to contemporary observers, it was six times the trade of the previous reign [5] — not a very definite estimate, it is true, but one which adequately indicates the expansion of the marketing aspects of the industry.

of the name to indicate animals taken to market away from the home land of the owner. Arch. Mesta, C–6, Castilbayuela, 1482, brings out the same contrast between the *cabañiles* or migrants and the *merchaniegos* or market animals.

[1] Arch. Mesta, A–9, Ávila, 1484; S–4, Segura, 1487; S–4, Segovia, 1488; G–1, Granada, 1501.

[2] Arch. Mesta, Prov. i, 13.

[3] Arch. Mesta, Cuentas, Aug., 1535.

[4] See below, pp. 342–343, for a discussion of the extension of enclosures for the benefit of these *estante* flocks.

[5] "A treatise concerninge the Staple and the commodities of this Realme," an anonymous account (*ca.* 1519–36), probably by Clement Armstrong, of the rivalry between English and Spanish wool merchants in Flanders, reprinted by Reinhold Pauli in *Abhandlungen der Gesellsch. der Wissensch. zu Göttingen*, xxiii (1878).

Charles undertook to follow the policies of his illustrious grandparents by continuing the promotion of the wool trade. In this he was encouraged by many interested and influential courtiers, especially Flemings and north Italians. By 1542, in fact, the Genoese had practically gained a monopoly of the wool export trade.[1] This was not long retained, however, and the older arrangement of marketing through the Burgos *Consulado* and its foreign offices was soon revived. Internal marketing, both between the kingdoms of the peninsula and between the various towns, was likewise promoted by cutting down tariff barriers and local taxes on merchaniegos, or Mesta sheep offered for sale.[2] Charles was particularly anxious to weld his peninsular kingdoms into one economic unit; and to accomplish that purpose he issued a series of twelve measures during the years 1529–50, intended to facilitate the marketing operations of the Mesta in Navarre and Aragon. Tariffs were lowered at the *puertos secos*, or inland custom houses, and the registration of migrants at the border was made as perfunctory as possible.[3] The culmination of this policy came in 1598 with the removal of some of the custom houses on the Castilian-Aragonese frontier.[4] The last tariff barriers between Aragon and Castile were not removed, however, until 1714, when they were wiped out by Philip V in the course of his Bourbon programme of unification.

The operations of the middlemen (*revendedores*) were carefully watched throughout the sixteenth century to prevent speculation.[5] The great rise in prices, due primarily to the influx of American gold and silver, was at its height in Spain during the closing years of Charles's reign (*ca.* 1540 ff.). Frantic efforts were made through legislation to check the increasing costs of wool and woolen cloth: middlemen were further restricted; town taxes on sheep were curtailed; and many hasty experiments were

[1] Haebler, *op. cit.*, p. 168; Ansiaux, *op. cit.*, p. 544.

[2] Ansiaux, *op. cit.*, pp. 537, 545; Colmeiro, ii, pp. 179, 181.

[3] Arch. Mesta, Provs. i, 26, 28, 29, 36–39, 63, 66, 67, 71, 76; see also Colmeiro, ii, p. 542.

[4] *Nueva Recop.*, lib. 9, tit. 31, ley 4, art. 6.

[5] *Las prematicas que Su Magestad ha mandado hazer* (Alcalá, 1552); see above, p. 65, note. See also Ulloa, *Privs. de Cáceres*, p. 370.

made by the Cortes. In 1548, for example, foreign cloth was allowed to come in without payment of duties and the exportation of native goods was prohibited. In 1555 this policy was suddenly reversed; foreign woolens were excluded, and the manufacture and export of the native product encouraged in every way.[1]

The decline of the wool trade, both external and internal, began to set in as an inevitable accompaniment of the gradual weakening of the Mesta. Evidences of this became conspicuous during the first two decades of the reign of Philip II, as will be indicated below.[2] The wool trade itself was well on the downward trend by about 1577.[3] Travellers through the wool markets of Segovia, Valladolid, and elsewhere noticed the stagnation and the unmistakable signs of disorganization.[4] Philip attempted to exploit the wool trade as he had the other aspects of the pastoral industry, and the results were equally disastrous. In 1559 he had reacquired the royal *diezmo del mar* or seaport customs duties, which in 1469 had been alienated from the control of the royal exchequer by Henry the Impotent. Philip promptly undertook to exploit this new source of income by levying a series of heavy export duties on wool.[5] These were administered by a corps of energetic officials, the *alcaldes de sacas* or export judges, who realized keenly that their income would be commensurate with their zeal. It was not long before they became notorious both for their wealth and for their ruthless shortsightedness in taxing the wool trade practically out of existence.[6]

The marketing activities of the Mesta during its later years rapidly declined with the general weakening of its influence and power. It stood steadfastly, however, for the removal of local restrictions upon trade, and worked persistently, though unfor-

[1] Ansiaux, *op. cit.*, pp. 550–651.

[2] See pp. 114–115, 286–288.

[3] Enrique Cock, *Jornada de Tarazona* (1592), ed. by Morel-Fatio, p. 46.

[4] Brit. Mus., Harl. Ms. 3315, p. 39.

[5] Arch. de Fomento, Alcalá de Henares, leg. 1704: an invaluable collection of decrees covering the wool export duties from 1559 to 1758. Other documents bearing on the same topic may be found in the Acad. Hist., B–128, Papeles Varios Econ. Hist., doc. 4.

[6] Arch. Mesta, Prov. i, 71 (1560).

tunately with few results, against the hampering *consumos* or *octroi* taxes which obstructed the movement of sheep and wool into the various local markets.[1] Even the much mistrusted middlemen, or *revendedores*, were encouraged by the Mesta leaders, during the latter half of the seventeenth century, in the hope of reviving the wool trade.[2] In the last dark decades of the organization, before the storms of Campomanes's attacks of 1770–85 broke against it, the expedient was proposed of organizing a company to handle the wool trade, both export and domestic. A monopoly concession was to be secured, and the whole trade was to be carefully administered through warehouses scattered about in the upland headquarters of the Mesta and agencies at the coast ports and abroad. This plan was, in fact, simply an elaboration of the old *Consulado* of Burgos, which had handled the traffic so effectively during the time of the Mesta's greatest prosperity.[3] When an imposing industrial organization called the Company of the Five Gilds was founded in Madrid in the middle of the eighteenth century with a capital of 16,500,000 *reales* and a programme for world-wide commercial operations, it was hoped by the Mesta that the wool trade might be developed by the new enterprise. Unfortunately, however, the abilities of the exploiters were not of the sort to succeed in such an undertaking, and the Company never achieved its great ambitions.[4]

As a final humiliation to the Mesta, and to its long cherished hopes for a continued monopoly of the high quality wool trade, there came the first considerable exportation of merino sheep from Spain. The successful establishment of flocks in Sweden in 1720, and later, on a larger scale, in Saxony and at Rambouillet, France, made inevitable the doom of the Mesta with its anti-

[1] Arch. Hist. Nac., Consejo Real, Expedientes, leg. 48 (1627); Arch. Mesta, Provs. ii, 2 (1627), 15 (1637); iii, 41 (1726).

[2] Arch. Mesta, Provs. ii, 5, 14 (1630 ff.).

[3] Larruga, *Memorias*, xxviii, pp. 1–87: records of debates on this topic at Mesta meetings from 1673 to 1707. Arch. Hist. Nac., Consejo Real, Expedientes, leg. 48 (1703): tentative plans of such a company drawn up by a President of the Mesta for the approval of the Royal Council.

[4] Brit. Mus., Add. Mss. 10,255, pp. 1–7: "varios papeles tocantes a los Cinco Gremios de Madrid."

quated export organization, and all of the obsolete practices of the Spanish pastoral industry.[1]

[1] Extensive accounts of the various experiments with merinos abroad in non-migratory flocks and of their early exportation to England, France, and the United States are found in Zapata, *Noticias del origen . . . de lanas finas* (Madrid, 1820), and in Carman, Heath, and Minto, *Special Report on the History of the Sheep Industry* (Washington, Dept. Agric., 1892), with many references.

CHAPTER IV

INTERNAL ORGANIZATION OF THE MESTA

Ordinances. Meetings. Elections. Membership. The President and other officers. Legal staff. Fiscal agents. Shepherds; their duties and privileges. Proportion of large and small owners.

Two characteristics were typical of Spanish political machinery during the Middle Ages, namely, its democracy, and the scrupulous attention of its codes and ordinances to the minutest administrative details. Both of these features stand out conspicuously in the constitution of the Mesta; in fact, they give that institution much of the interest which it has for the student of Spanish constitutional history.

The internal organization of the Mesta — its meetings, its membership, and its staff of officers — was prescribed in the ordinances which were codified in 1492 by Malpartida, the able legal expert of Ferdinand and Isabella.[1] There were earlier compilations of Mesta laws, such as that of 1379, but these have not been preserved.[2] The code of 1492 was supplemented by one drawn up in 1511 by Palacios Rubios, second president of the Mesta (1510–22), and, like Malpartida, a famous councillor of Ferdinand and Isabella.[3] These ordinances of 1492 and 1511 summarized the constitutional practices which had been observed by the Mesta for centuries: the procedure of its meetings, the qualifications and functions of its officials, and the obligations and privileges of its members. Let us proceed, then, to an examination of these various details.

In the earlier centuries of the Mesta's history, the sheep owners were accustomed to hold three annual meetings. About 1500, however, these were reduced to two sessions, each of about twenty

[1] *Concordia de 1783*, i, fols. 184 v–198.

[2] Francisco Hilario Bravo, *Noticia sucinta del Origen de la Asociación* (Madrid, 1849: 15 pp.), p. 15.

[3] *Concordia de 1783*, i, fols. 198–251. Palacios Rubios was conspicuous in the codification of the first laws regulating the trade and government of the colonies in America.

days' duration, one in the south, in January or February, and the other in the north, in September or October. During the years of waning prestige and of financial stringency, in the seventeenth century, the herdsmen frequently held only one annual meeting, and even that was once abandoned when the attacks of the Cortes deputies became unusually bitter.[1] The places of meeting were designated, in turn, by each of the four centres or headquarters of the Mesta: Soria, Segovia, Cuenca, and León. The southern and southwestern towns in which the winter meetings usually assembled were Villanueva de la Serena, where the Mesta kept its archive in the sixteenth and seventeenth centuries, Don Benito, Siruela, Guadalupe, Talavera, and Montalbán. In the northern mountains the customary meeting places were Aillon, Riaza, Aranda de Duero, Buitrago, Medina del Campo, Berlanga, and Siguenza.[2] It was not until 1740 that Madrid became the usual place for both winter and summer meetings, though the Mesta archive had been transferred to that city about 1593. In the middle of the eighteenth century the voluminous bundles of the archive were transferred across the city from the church of San Martín to the edifice on the Calle de las Huertas in which they are housed today.[3]

The meetings were usually held in a church; but not infrequently they took place in the open fields, and for such occasions an ingeniously constructed collapsible and portable altar was carried. This contrivance and the accompanying silver service are still employed for the mass read before the annual meetings of the Mesta's successor, the Asociación General de Ganaderos del Reino. The quorum of the sessions was forty, and the actual attendance probably between two and three hundred. This was only about a tenth of the herdsmen who were entitled to attend, namely all who paid the royal tolls on migratory flocks. Women sheep owners were often present, and were given all the privileges of membership.

[1] Arch. Mesta, Privs. Reales, leg. 1, no. 1 (1273); Paris Bib. Nat., Res. Oa. 198 ter no. 46 (1616). See also below, pp. 119, 289.

[2] See Map, p. 19. The meeting places from 1500 to 1827 are listed in Matías Brieva, *Colec de Órdenes pertenecientes al Ramo de Mesta*, pp. viii–xxxi.

[3] Cf. p. 403.

In all things the votes of the body were taken by *quadrillas* or groups. These were the four units into which the sheep owners were districted around the leading pastoral centres of the northern uplands — Soria, Segovia, Cuenca, and León. The quadrilla of Soria included the bishoprics of Osuna, Burgos, Calahorra, Siguenza, and part of Tarazona. That of Cuenca comprised the bishopric of that city, and was later (1693) extended to include the regions of southern Aragon, around Albarracín and Teruel. The Segovian district was made up of the bishoprics of Segovia and Ávila, and of Valle de Lozoya, Real de Manzanares, and other adjoining localities of less importance. The León quadrilla included the bishoprics of León and Astorga. In these regions were the homes of the transhumantes and their owners, the Mesta members.[1] At the Mesta sessions each quadrilla met separately, arrived at a decision upon every question to be brought before the entire organization, and then expressed its position at the general meeting through the quadrilla leader. The four leaders sat two on either side of the President, with the one from Soria in the position of honor at his right hand.[2] Occasionally one or more of these quadrillas would take independent action without consulting the general body.[3]

As is explained below,[4] the right to vote in the quadrillas was not qualified by any specifications regarding ownership of flocks of a given size, as was the case with the historic sheep owners' gild of Saragossa. In spite of this liberality, however, the great sheep owners among the nobility were occasionally able to bring pressure to bear through the President of the organization, who

[1] Bravo, *Noticia sucinta*, pp. 5–8. The royal privileges of 1273 and after made the Mesta ostensibly include "all sheep owners in the realm," as will be pointed out later. This attempt at universality did not, however, affect the fact stated above regarding the habitat of the migrants.

[2] Arch. Simancas, Mss. Diversos Castilla, no. 1643, is a carefully written opinion of some Mesta attorney in 1566, in which the local mesta of Soria (see above, pp. 9 ff.) is regarded as the model for the national Mesta. This may have been the reason for the precedence which Soria enjoyed over the other quadrillas.

[3] Arch. Mesta, Prov. ii, 38: a vote of a subsidy to the king by the quadrilla of León in 1647 for certain favors. Ibid., i, 21: measures taken by Segovia and León in 1498 in order to secure special concessions for their flocks at the royal toll gates.

[4] See p. 53.

was usually closely associated with them either in the Royal Council or at court. Nearly all elections were by lot, the common mediaeval Spanish practice of insaculación.[1] For every post to be filled eight names were placed in the urn, two from each quadrilla, and the candidate whose name was drawn was compelled by law to accept the office. Bonds were required of all responsible officers, and each one had to submit to the *residencia*, or public examination of his official record at the close of his term of service.[2]

The most important dignitary of the Mesta, from the point of view of its internal organization, was the President. During the Middle Ages the presiding officer was probably the chief entregador or some royal notary,[3] but in 1500 Ferdinand and Isabella created the Presidency of the Mesta and assigned the office to the eldest member of the Royal Council.[4] His duties, besides the usual ones of a presiding officer, were to conduct all hearings of complaints against entregadores and Mesta officers, to supervise their work, and to fill any vacancies in certain lesser posts. In other words, he was not only in charge of the internal administration of the Mesta, but, because of his control over its itinerant protectors, the entregadores, he also dominated the relations between the herdsmen and the wayside husbandmen. Equally as important as these two functions was his position as the connecting link between the central government and the Mesta.[5]

[1] See illustration opposite. [2] See below, p. 108.

[3] The chief entregador is shown as the spokesman and presiding officer of the Mesta in *Concordia de 1783*, i, fols. 156 ff. (1379); Arch. Mesta, A–3, Alange, 1455; and M–1, Madrid, 1418.

[4] Bravo, *Noticia sucinta*, says that certain members of the council had presided over the Mesta previous to 1500. This is true, since the chief entregador, who sometimes served in that capacity, was also a royal councillor (cf. p. 83); but there are no records of any ' President of the Mesta ' before that year. Brieva, *Colección de Órdenes*, pp. viii–xxxi, gives a list of all Mesta presidents from 1500 to 1827. In the Paris Arch. Nationales, Collec. Tiran, is a list of the Mesta presidents of the period 1670–1772, with interesting comments.

[5] *Quad. 1731*, pt. 1, pp. 209–221, contains the laws prescribing the duties of the office. Cf. Arch. Hist. Nac., Consejo Real, Expedientes, leg. 48. no. 3: an eighteenth-century review of the functions of the President. See also Martinez Salazar, *Colección de Memorias . . . del Consejo* (Madrid, 1764), pp 221–236, and Escolano de Arrieta, *Práctica del Consejo Real* (Madrid, 1796, 2 vols.), i, pp. 584–587.

URN USED IN MESTA ELECTIONS

Now in the possession of the Asociación General de Ganaderos. The candidates' names were placed in the four hollow balls — one for each of the quadrillas — and these were then drawn from the urn, the old Spanish practice of election by lot, called *insaculación* (p. 52). One of the regular items in the account books of each session was the nominal fee paid "to the boy who drew the lots." The urn dates from the late sixteenth or early seventeenth century, and is engraved with the coat of arms of the Mesta, which is also shown on the eighteenth-century tapestry in the background. One of the earliest examples of this escutcheon is on the first page of the charter of 1525 (see Frontispiece). The arms consist of the eagle of St. John the Evangelist (adapted from the arms of Ferdinand and Isabella; see seal on decree of January, 1488, p. 218), bearing a shield with the castle, lion, and pomegranate of the Spanish arms (Castile, León, and Granada), and a ram and bull representing the Mesta.

The appointment of the President was at first for life, but this was changed, on the death of the second incumbent in 1522, to a two-year term. In the eighteenth century an attempt was made by the Mesta to have the life service renewed because of the disadvantages of frequent changes in policy, but the alteration was not made. The requirement that the President attend every meeting of the Mesta met with protests from the older members of the Royal Council when their turns came to make the long trips to the remote pasture lands; but there are less than half a dozen instances when the custom was not observed. Under no circumstances was the President to be accompanied by his wife, "because of the great inconveniences which would be encountered by the lady on such a journey." The presidential salary varied from 8000 to 14,000 reals a year, and was supplemented by a subsidy of 5000 reales "for expenses."

The dual position of this officer, as senior member of the Royal Council and President of the Mesta, gave him an unusually powerful position in the administrative affairs of Castile. On several notable occasions, which will be mentioned below, various aggressive sovereigns and able ministers exercised through this official a very effective control over the rural affairs and resources of the whole kingdom. So potent a factor did the President become, that when Campomanes, the great reform minister, acceded to the office in 1779, he was able to fall upon the Mesta and virtually destroy it.[1]

The qualification for membership in the Mesta was simply the payment of the royal sheep toll or *servicio y montazgo*, which was ample evidence of active participation in the migratory sheep industry. There was no specification as to the number of animals to be owned, as was the case in Aragon.[2] Theoretically all shep-

[1] See below, p. 345. Arch. Hist. Nac., Consejo Real, Expedientes, leg. 436, no. 9: a series of interesting reports on the Mesta, prepared by Campomanes during his presidency, 1779–82, containing many suggestions of the reforms which later appeared in the famous indictment of the *Concordia de 1783*.

[2] *Ordinaciones de la Casa y Cofadria de Ganaderos . . . de Zaragoza* (1640), p. 7: citizenship in Saragossa and the possession of thirty-five horse or cows, or a hundred sheep or goats, were the requirements for membership in this organization, which was founded in 1218.

herds, down to the youngest assistants, were 'members' of the Mesta, but this was only true in the sense that they enjoyed its protection. They did not sit in the meetings, though they had the privilege of presenting complaints and propositions to the organization through their masters, the sheep owners.

Membership dues were assessed on the basis of the number of sheep owned by each member. This number was ascertained by the *procuradores* or agents of the Mesta, who were stationed at the royal toll gates to protect the members from unscrupulous collectors and to keep account of the herds. The assessment was not levied until the annual budget was presented at the January meeting, when the per capita rate was determined on the basis of the number of sheep counted and the amount to be raised. In the sixteenth century this rate was usually from 50 to 150 maravedis per thousand sheep,[1] but it was subject to a five or six fold increase in the years when a subsidy was voted to the crown.[2] In the latter part of the seventeenth century the practice was introduced of making the assessment the same size as the royal toll, namely five sheep out of every thousand, or their money equivalent. Owners who were delinquent in their payments for more than a year were barred from membership.[3]

The financial affairs of the organization were administered by a board of *contadores* and *receptores*, whose accounts were audited each year by the President, assisted by other officials. Any defalcations had to be repaid threefold by the delinquent treasurer or accountant.[4] If a deficit was revealed, as frequently happened during the sixteenth century when heavy subsidies had to be voted to the crown, the accounts were balanced by a pro rata assessment levied upon the sheep as they passed northward in the spring. Among the debit items of each year, besides the usual salaries and travelling expenses for attorneys and other officials, were contributions either in cash or in heavy silver ornaments to the shrine of the patroness of the Mesta at Guadalupe, and occasionally, during the reign of Philip II, to the Escorial.[5] In the

[1] Arch. Mesta, Cuentas, 1517–95, *passim*.
[2] See below, p. 280.
[3] Arch. Mesta, Prov. iii, 47.
[4] Ibid., iii, 5.
[5] Bibl. Escorial, Ms. et iii, 22.

decadent period of the later Hapsburgs some of the annual debit charges degenerated to contributions of "shirts for the poor" in certain towns whose political support was sorely needed by the Mesta, and even to "chocolate, sweets, and drinks for the President."

The receipts were largely made up of parts of the condemnations and fines levied by the entregadores and of the profits from the sale of unclaimed lost sheep (*mesteños* or *mostrencos*) — a suggestion of the original functions of the local Mestas. Among other receipts were the profits from occasional investments [1] and the *achaques* or fines levied upon members and their shepherds for violations of rules regarding branding, segregation of diseased animals, and similar matters. The receipts from mesteños and achaques were usually farmed out. The collectors, or *achaqueros*, seem to have been unusually zealous officers, who were not always careful to restrict their assessments to Mesta members, and their operations were, therefore, the subject of frequent disputes between the Mesta and the towns. The difficulties were settled, as a rule, by agreements or *concordias* by which the achaqueros were allowed, subject to certain restrictions, to seek out Mesta members in the towns.[2]

Of the various officials charged with the administration of the Mesta's internal regulations, the most important were the *alcaldes de quadrilla* or *alcades de mesta*. Two or more of these officers were elected by each quadrilla for terms of four years. They were sheep owners of experience and good standing, "chosen because of themselves and not of their animals." They were intrusted with the general administration of all laws concerning the actions of the members, but their special function was the care and disposal of the stray sheep.[3] In case of dissatisfaction with their decisions, appeals could be addressed to a board of *alcaldes de apelaciones* who sat at each session of the Mesta.

[1] See below, p. 284. Data on investments in real estate and in various government concessions are found in Arch. Mesta, Cuentas, January, 1566 and September, 1591.

[2] Cf. Arch. Ayunt. Burgos, Ms. 747 (1595); Arch. Ayunt. Madrid, sec. 2, leg. 358, no. 58 (1700); Arch. Mesta, T–2, Teba, 1659; T–7, Tureño, 1663; Z–1, Zamora, 1600.

[3] See above, p. 13.

The interests of the members were also protected by various *procuradores*, or representatives. There were, for example, the *procuradores de Corte*, or *de chancillerías*, a formidable array of legal talent which was kept in constant attendance near the sovereign and at the high courts to protect the interests of the sheep owners. The *procuradores de puertos* were in attendance at the royal toll gates to prevent extortion by the collectors and to levy pro rata assessments upon the flocks, as was explained above. The *procuradores de dehesas* acted as the representatives of the Mesta in arranging leases for its members, and by concerted action were able to gain very considerable advantages in their collective bargaining with the landowners.

One phase of the pastoral industry to which the Mesta ordinances gave special attention was the strict regulation of the duties and behavior of the shepherds.[1] These frequently lawless individuals were the cause of constant trouble, not only with the townspeople along the cañadas, but even with their masters the sheep owners. Every precaution was taken, therefore, to safeguard the interests of the owners and to minimize the possible sources of trouble. No shepherd was allowed to leave his sheep untended, to sell them, or to alter any brands; he was never to buy wine while on duty,[2] nor to indulge in any "violations of good morals." The number and obligations of their boy assistants (*rabadanes* and *zagales*) and dogs were carefully stipulated, the latter being allowed the same food rations as a man.[3]

The life of the shepherds was by no means one of privation and hardship. They and their families, who sometimes, though not usually, accompanied them on their migrations, were assured of special royal protection against the annoyances of town bailiffs.[4]

[1] The shepherds were usually called *pastores* or *cabaños*, though they were sometimes specially designated according to the animals in their charge: *vaquerizos* or *vaqueros* (cowboys), *cabrerizos* (goatherds), *porquerizos* (swineherds), *boyerizos* (oxherds).

[2] In the course of the seventeenth-century campaign against the spread of vineyards at the expense of pasturage, the Mesta held forth at great length upon the demoralization caused among its shepherds by the sale of wine.

[3] See above, p. 25.

[4] *Quad. 1731*, pt. 1, p. 8 (1413, 1421).

They could not be imprisoned because of any debts owed by their masters or by the Mesta, and they were exempt from military service.[1] The enforcement of the latter rule was insisted upon by the Mesta, especially during the Portuguese revolution of 1640–41 and the war of the Spanish Succession. In fact, from 1640 to 1726 there were many such exemptions which relieved the shepherds from conscriptions (*quintas*). Any non-migratory herdsman, in order to benefit by this protection, had to have charge of more than a hundred local (*estante*) sheep. Furthermore, in order to avoid abuse of the privilege, it was prescribed that for each *hato* or flock of 400 sheep there were to be only one shepherd and two assistants, and at least one of the latter had to be under sixteen years of age. The shepherds were expressly allowed to carry arms as a protection against wolves, gypsies, and other marauders. In this connection, it may be noted that gypsies were a source of constant complaint from the Mesta. In 1499 that body was largely instrumental in securing the royal decree which expelled them from the country.[2] This edict apparently had little or no permanent effect, however, for the gypsy problem occurred again in later years. Throughout the later decades of the sixteenth century the expulsion or suppression of the wandering *zincali* was taken up as one of the conditions of various subsidies voted to the crown by the Cortes and by the Mesta.[3]

Occasionally special guards were appointed by the crown or by neighboring towns to protect the shepherds and their charges while on the march.[4] These provisions were also intended as a check upon a common custom among the townspeople in the southern and western pasturage regions, where festivals, especially on Christmas eve, included expeditions outside the town walls by crowds of merrymakers. Such celebrations invariably resulted in much loss and discomfiture to the herdsmen and their

[1] *Ibid.*, pt. i, pp. 11, 59; Arch. Mesta, Provs. ii, 43, 51; iii, 44.

[2] Arch. Hist. Nac., Consejo Real, Expedientes, leg. 48 (1499).

[3] Arch. Mesta, Provs. i, 104 (1641); ii, 25, 27; *Quad. 1731*, pt. 1, p. 14 (1533). On other marauders, see below, p. 89. Entregadores were also given special permission to carry arms as a protection against gypsies: *Nueva Recop.*, lib. 3, tit. 14, ley 4, cap. 3.

[4] Arch. Mesta, Prov. i, 104.

flocks.[1] Another curious form of annoyance suffered by the Mesta was from the visits of itinerant winesellers among the shepherds, whose services to their masters after such visits "were worse than valueless." [2]

In addition to the privileges just mentioned, the herdsmen were exempt from summons as court witnesses; nor were they required to leave their flocks in response to any other calls from local officials, unless special permission had previously been granted by the Mesta.[3] Furthermore, they were to pay the royal taxes (*servicio*, *sisas*, *millones*, and *pechos*) only in their home towns.[4] It is evident, then, that the written laws undoubtedly made the migratory shepherds one of the most favored of all the classes of Castilian society; and the Mesta saw to it that these laws were effectively enforced.

The wages of the migratory herdsman were nearly all paid in kind at the close of his year's services, which, like those of the non-migratory shepherds,[5] began on St. John the Baptist's day (24 June).[6] The legal wage in the middle of the fourteenth century was twelve bushels (*fanegas*) of grain, one-fifth of the lambs born in the flock during the year, one-seventh of the cheese produced by his charges, and also six maravedis in coin for every hundred sheep in his care.[7] He was allowed to keep without charge a

[1] These festivities were called *mojaraches* or *momarraches*. In Plasencia the name of *rey pájaro* was used, probably with reference to masquerading costumes imitating birds. See below, p. 427. Arch. Mesta, P–3, Plasencia, 1542, gives an account of the harm inflicted by such parties upon the neighboring shepherds and their flocks. Cf. Y–1, Yecla, 1559. Personal injuries to shepherds by such roysterers were punishable by a uniform fine of fifteen sheep.

[2] Arch. Mesta, Prov. i, 77 (1567). See above, p. 56.

[3] Ibid., iii, 31 (1722): a revival of an older decree.

[4] *Quad. 1731*, pt. 1, p. 16 (1285); Arch. Mesta, Privs. Reales, leg. 2, no. 1 (1347).

[5] See above, p. 10. In addition to the references given there on local mestas and sheep regulations, see the many clauses on shepherds in the fuero of Alarcon, 1252 (cited above, p. 24, n. 5), which may have served as a model for the Mesta charter of 1273.

[6] *Cortes*, ii, p. 84, Valladolid, 1351.

[7] *Ibid.*, p. 85. The value of the maravedi is one of the most perplexing problems in Spanish economic history. The usual basis for an approximate estimate is 34 maravedis = 1 real = 25 centimes, but the great difference in the purchasing power of the maravedi in its day and of the centime in its, is far too large and im-

certain number of sheep of his own[1] with the master's flocks, and was given the fells and carcasses of any animals killed by accident while on the march. These rates of compensation varied greatly, of course, in different times and places, but the general principle of payment in fractions of the produce, always excepting wool, was common until the sixteenth century, when it began to go out of use.[2]

With the above details in mind regarding the status and privileges of the individuals who may be called members of the Mesta, the question naturally arises as to the actual number of such persons. This query is by no means so readily answered as it is asked. Curiously enough, the otherwise prolific archive of the Mesta is almost entirely lacking in material on the subject. There are no rolls of members or receipts for dues, nor do the minutes show any individual votes, since all such expressions of opinion were by *quadrillas* or districts. The only available sources bearing on this point are a few records of tolls paid by members, with indications as to the size of their flocks.

The usual observation on the problem has been that most of the Mesta members were great nobles and ecclesiastics, with a scattering of small owners who migrated only occasionally.[3] It was undoubtedly true that the Mesta had among its members a few owners of large flocks of migrants. Such great names as those of the Dukes of Béjar and of Infantazgo, and the monasteries of the Escorial and of Guadalupe, appear frequently in the records of its transactions during the centuries of its long life. But to say that these large owners were typical of the industry, and that they dominated all but a minor fraction of the migratory flocks, is far less than half the truth. Even the meagre evidence available on the subject shows that the flocks of these great *cabañas* were only a small part of the total number of transhumantes, and that by

portant a factor to be disposed of here. Cf. N. Sentenach, "El Maravedí" in *Revista de Archivos*, xii (1905), pp. 195–220.

[1] The shepherds' animals usually made up about ten per cent of the total flock.

[2] Arch. Mesta, Acuerdos, 12 Sept., 1517: resolutions on the prevalence of payments in money.

[3] Cf. Bourgoing, *op. cit.*, i, p. 115; Pons, *op. cit.*; and Laborde, *op. cit.*

far the larger share of the Mesta sheep belonged to small owners, who themselves moved up and down the cañadas each year leading their few hundred animals. These men were the real life and sinews of the Mesta.

One of the very few bits of useful evidence on this question of the proportion of large and small owners is to be found in documents submitted at a trial in 1561. The case involved certain tolls paid by the Mesta members who leased the lands of the Order of Calatrava in southern Castile; and in the course of the hearing the Mesta attorneys presented a list of the names of all sheep owners who visited those pastures.[1] While this list affords only a momentary glimpse of a part of the Mesta membership, it is valuable because it is one of the very few extant examples of such specific information. A tabulation of the data contained therein reveals certain significant facts regarding the ownership of the flocks which visited the Calatrava pastures in 1560:

Size of flock	Number of owners	Number of sheep	Per cent of total sheep
Under 50	363	17,160	32
50–100	228	18,774	35
100–500	39	8,755	16
500–1000	5	2,980	6
Over 1000	3	5,782	11
Total	638	53,451	100

These figures scarcely require comment. Over two-thirds of the sheep here enumerated were owned in flocks of less than a hundred, whose owners acted as their own shepherds. Although the sheep represented in these figures formed but a small fraction of the two million which migrated to southern pastures that year, they may, nevertheless, be fairly regarded as typical of the migratory flocks in general. The pastures here mentioned were visited by animals from a wide region of northern highlands which comprised all classes of pastoral interests — possibilities, in other

[1] Arch. Mesta, C–2, Campo de Calatrava, 1561. See Map. These lands of Calatrava made up about one-sixth of the southern pasturage region.

words, for a large variety of large and small ownership. Furthermore, the year was a normal one, without drought or pestilence to affect conditions; in fact, the Mesta was at that time just passing the zenith of its prosperity; it was a period when the migratory sheep industry was at its best, with untrammelled opportunities for all kinds of owners. Although this fragment of evidence is small, nevertheless it indicates clearly the marked predominance of small owners.

Conspicuous instances of the great flocks belonging to the nobility or to wealthy churches and monasteries were always readily cited by the opponents of the Mesta: the 30,000 head of the monastery of Santa Maria del Paular, or the 40,000 of the Escorial, or the 25,000 of the Duke of Béjar; but these examples were very few, and at no time represented the typical form of the industry. In the eighteenth century, the raising of migratory sheep had been reduced to its most concentrated state, because of the prolonged and bitter popular hostility which had overwhelmed many of the smaller owners. But even at that late period (*ca.* 1740) over 75 per cent of the total number of transhumantes in the country were owned by some 40,000 *serranos*, or ' highlanders,' in flocks of less than 5000 head. The remaining 20 to 25 per cent belonged to a small number — about sixty — of noblemen and rich ecclesiastics of Madrid.[1] A similar conclusion is reached by an eighteenth-century English investigator, who estimated that about 220,000 merinos were owned in flocks of 30,000 to 40,000 by nobles and churches, 200,000 were held in flocks of about 20,000 each, while over 3,500,000 were owned in smaller units.[2] It is evident, then, that the Mesta was very

[1] *Expediente de 1771*, pt. 2, fol. 42 v. See also Arch. Mesta, Servicio y Montazgo, leg. 2–3 (1708–46): accounts of the royal sheep toll, with names of the owners and sizes of their flocks. In those years the monasteries of the Escorial and of Guadalupe, and the Dukes of Béjar and Alcudía owned all together about 75,000 transhumantes, of the 2,100,000 in the realm. Similar figures are shown in the evidence presented by the opponents of the Mesta to Campomanes, Charles III's reform minister, in 1780–83. Cf. *Concordia de 1783*, ii, fols. 156 v, 161 v, and tables at end of volume.

[2] *An Account of the Merino Sheep and of their Treatment in Spain . . . written by an English Gentleman many years resident in Spain* (Concord, New Hampshire, 1813), p. 128.

largely an organization of middle class sheep owners, with a considerable proportion of the poorer pastoral element during its earlier years, and with perhaps a slight tendency toward more concentrated ownership during and after the latter part of the sixteenth century. At no time, however, in its long history was it in any sense a combination of large owners.

In general the internal organization of the Mesta was simple, efficient, and, because of its concentration under the President and the quadrilla heads, eminently fitted for the work with which it was entrusted. The whole purpose of the Mesta required, above all things, concerted action, whether it be in the prosecutions of its itinerant legal staff, in its financial obligations to the crown, or in its collective bargaining with pasturage owners. As we proceed to examine the history of each one of these three fundamental interests or activities of the organization — judicial, fiscal, and pastoral — the efficient functioning of the internal mechanism just described will become evident. It was not until the demoralization of the eighteenth century that the institution became encumbered with throngs of notaries, superfluous attorneys, and bailiffs. The curse of *empleadismo* which has long been one of the plagues of the Spanish body politic then settled upon the ancient gild of the sheep owners, and bankruptcy, followed by disintegration, soon overwhelmed it.

While study of the internal organization of the Mesta might be interesting and instructive, because of the light which it throws upon a practically unexplored field of economic history, namely the industrial and gild life of Spain, it is the external relations of the institution which reflect its real importance in the evolution of Spanish society. From the time when the name of the Honorable Assembly of the Mesta of Shepherds was first inscribed on the parchments of the thirteenth century, until the organization was converted into the present-day Stock Owners' Association in 1836, it was always the zealous and able guardian of the welfare of its members in their relations with those whom they met on their annual marches. As has been indicated above, these relations fall into three main categories, namely, judicial, fiscal, and pastoral, using the last in the limited sense of pertaining to pasturage. These

were, of course, by no means mutually exclusive; the chief functions of the itinerant judiciary of the Mesta, for example, involved the protection of the flocks from extortionate tolls and pasturage rentals. A historical survey of each of these activities will present, far more effectively than a study of formal charters and bulky ordinances, a fair and accurate picture of the part actually played by the Mesta in the economic history of Castile.

PART II

JUDICIARY

CHAPTER V

ORIGINS OF THE ALCALDE ENTREGADOR

Itinerant officers in mediaeval Europe. Judicial protectors of migratory flocks in Italy and in Aragon. Sheep protection in mediaeval Castile. Interclass litigation. Early relations of the entregador with the crown.

> "There is no grandee of Spain who has so many judges and sheriffs to defend him as has the sheep."
>
> SORAPÁN, *Medicina Española* (Granada, 1616), p. 131.

THE administration of justice and the maintenance of order in rural districts involved problems which taxed the ingenuity of the ablest mediaeval monarchs in western Europe. Henry I of England (1100–35) met the difficulty by creating justices in eyre (*in itinere*), whose intermittent circuits were made more regular by Henry II (1154–89). At about the same time there appeared in France and Normandy various baillis, enquêteurs, and seneschals,[1] who served as the more or less itinerant representatives of the crown in outlying towns and country districts. In addition to these officials, who acted as the executive and judicial spokesmen of the sovereign, there were on both sides of the Channel other less conspicuous dignitaries, who kept order in the remote parts of the kingdoms, adjusted disputes between conflicting rural interests, and carried the power of the law down to the lowliest of the population, the herdsmen, the peasants, and the huntsmen. For example, the forest laws of mediaeval England provided for a regarder, who covered a fixed itinerary at regular intervals and settled the conflicting claims of woodsmen, hunters, and others within his jurisdiction.

The available information upon any of these more or less obscure officials is all too meagre. Their work was done remote from the glamour of the court. Their functions offered no field for picturesque and striking episodes to catch the eye of any chronicler. There are no precise and extensive records available upon their contributions to the administrative machinery

[1] Haskins, *Norman Institutions* (Cambridge, 1918), pp. 167–168, 183–186.

of Henry I of England or to the constructive regime of Philip Augustus of France.

On the other hand the detailed annals of the Castilian entregador, which we are about to examine, reveal the striking possibilities of such itinerant magistracies from the point of view of strong kingships and centralized administration. The history of the entregador suggests pertinent queries on the pastoral and judicial evolution of rural England and France which have yet to be answered. What part did the itinerant officers have in the administration of the sheep industry in those kingdoms? What did their operations mean to royal prestige, to the exchequer, and to the general welfare and agrarian economy of the realm?

Of the numerous corps of officials around whom the Mesta slowly crystallized as a unified national institution, perhaps the most important, and certainly the most conspicuous, from the very beginning of his office under Alfonso the Learned down to its closing years, was the *alcalde entregador*, or 'judge of awards.' This itinerant judicial and administrative officer formed the means of contact between the Mesta and the outer world. He was its shield of defence in the earlier centuries of its growth, its sharp weapon of offence and power in the period of its supremacy under the first Hapsburgs, and in the seventeenth and eighteenth centuries the heavy, useless weight which chiefly caused its discredit and decline, leading finally to its extinction.

In order that we may be better able to understand this Castilian office, let us turn to other lands for a brief preliminary consideration of some foreign types of itinerant magistrates for flocks and herds. The pastoral industry in all the Mediterranean peninsulas tended to assume certain common characteristics. This was true largely because of similar conditions of climate and of topography, which brought about the ancient custom of annual migrations between winter pastures in the lowlands and summer encampments in the highlands. Chief among these common customs were the use of fixed routes reserved for the semi-annual migrations,[1] the communal ownership or regulation of

[1] See above, p. 18.

pasturage, and the traditional hostility between herdsmen and husbandmen, which resulted in the creation of specially delegated judicial officers for the protection of the former.

The organization of the migratory pastoral industry was older and much more carefully worked out in Italy and Spain than in the eastern peninsula. Among the Romans there was a detailed and well adjusted system for regulating the semiannual sheep migrations during the age of Cicero and Varro, and indeed for some centuries before their time.[1] Provision was made for roadside pasturage and particularly for the use of large tracts of public lands as grazing grounds. What is of importance for us in the present connection, as early as 192 B.C. the practice was observed of assigning a special magistrate to the southern pasturage district to keep order there and to look after the public domain. There was also a *praetor* to supervise the *calles* or routes used by the herds.[2] These practices of the migratory sheep industry were not in the least interrupted by the fall of the Roman empire. They were continued during the Middle Ages and in the thirteenth century were, in fact, drawn together by Frederick II into a well regulated, centralized organization.[3] In the later Middle Ages this body came to the attention of the Aragonese rulers of southern Italy, who recodified its laws and gave it the name of *Dogana della mena delle pecore di Puglia*.[4] It is significant that the chief of this institution, the 'magnificent *doganiere*,' bore a striking resemblance to the *justicia* of the *Casa de Ganaderos* of Saragossa, the 'house of the cattle owners,' which Aragon had known since

[1] H. F. Pelham, *Essays* (Oxford, 1911), p. 303.

[2] *Ibid.*, pp. 302, 306. References on this topic from Strabo, Varro, Columella, and other classical writers may be found in Pauly-Wissowa, *Encyclopädie*, iii (Stuttgart, 1895), col. 289.

[3] Sombart, *Die römische Campagna* (Leipsic, 1888), pp. 43–48, 83–87; Huillard-Bréholles, *Hist. Diplomat. Frid. II*, iv, pt. 1, p. 159; and Bertagnolli, *Vicende dell' agra in Italia* (Florence, 1881), p. 244.

[4] Bertaux and Yver, "L'Italie inconnue," in *Le tour du monde* (1899), pp. 272–274. Craven, *Excursions in the Abruzzi* (1838), i, pp. 266–270. Swinburne, *Travels in the Two Sicilies* (1783), i, pp. 140–143, deals particularly with the fiscal aspects of the institution in the sixteenth century. According to Dominicus Tassonus, *Observationes Jurisdictionales* (Naples, 1716), pp. 130–131, the name *Dogana* and possibly the institution itself had Norman origins. Muratori, *Antiquitates Italicae*, ii, col. 525, gives a more nearly correct Saracen derivation of the name.

the year 1218, and possibly earlier. In the Italian Dogana the herdsmen were answerable to their officials and judges not only in matters of pastoral concern, but in all offences against civil and criminal law as well. This responsibility, and the form and severity of the penalties imposed, suggest the old institution of the Aragonese conquerors' home country.[1]

Charles III's long Neapolitan experience with this form of organized pastoral industry — for it was flourishing in the eighteenth century, as indeed it is today in a modified form — was of inestimable assistance to him in his great struggle with the Castilian Mesta. One of the interesting points revealed in the exhaustive investigations of the Mesta by his great minister, Campomanes, was the similarity of the judicial protector of the Italian herdsmen to the Castilian *alcalde entregador*. Each of these two officers was declared to be a case of "a grant of extraordinary jurisdiction, equivalent to placing a sword in the hands of a madman." [2]

As early as 1129 the citizens of Saragossa had been given the right of unrestricted pasturage through Aragon. This privilege was incorporated in a charter embodying various more or less vague concessions of the kind commonly granted at that time to monasteries, cities, and other contributors toward the expenses of the war of reconquest. Toward the close of the twelfth century a gild or fraternity of sheep owners of Saragossa was organized, and by 1218 it had been formally recognized as the *Casa de Ganaderos*.[3] Both the name and the organization are in existence today, and the *Casa* is now as much the head of the sheep and cattle industry of Aragon as it was seven hundred years ago. The *justicia* of this body is an excellent illustration of that characteristic union of judicial and administrative functions so often met with in Spanish constitutional history.[4] It should be carefully

[1] The punishment for trespasses outside of pastures, for example, was the same in both countries: ten years in the galleys.

[2] *Expediente de 1771*, pt. 1, fol. 138 v.

[3] Archivo de la Casa de Ganaderos (Saragossa), legajo 139, no. 1. There is a carelessly made copy of this document in the Bib. Nac. Madrid, Ms. 8702, fols. 31–32.

[4] Cf. the *corregidor*, the local *alcalde*, the chief of the *audiencia*, and many others.

noted that this officer is not to be confused with the more widely known national *justicia* of Aragon, with whom the former had no official connection. The sheep owners' justicia served in the dual capacity of president or director of the gild of cattle owners of Saragossa and as the judge in all cases in which they were involved: a double function in the fullest sense, since neither of the two positions was subordinated to the other. His jurisdiction was recognized by the charter of 1218 in criminal cases "involving all thieves and marauders . . . who molest any herd from Saragossa wherever it might be at the time." This authorization was interpreted by the Casa to be valid in all parts of the kingdom "whether in lands held from the crown, or from any religious body, or from a temporal lord . . . in all things and cases concerning the herds, herdsmen, and cattle owners of Saragossa." In 1391, on the payment of 800 florins in gold to the king, the justicia's jurisdiction was extended to include civil as well as criminal cases — a most important step, which made that official the sole judicial arbiter for one of the largest classes or groups in the population of Aragon. The sweeping claims of these grants, though frequently questioned, were never successfully opposed until well into the eighteenth century. Royal confirmations were given in 1534, 1545, and 1607,[1] and in spite of repeated attacks by powerful nobles and ecclesiastical organizations, the justicia's position was not affected.

The office of justicia was always declared to be an indispensable adjunct to the work of the *Casa*: if deprived of it the gild would have been compelled to maintain agents and attorneys in almost every hamlet to look after the litigation brought against it before the local justices. The peculiarities of the migratory sheep industry made necessary the creation of an unusual type of judicial protector for the flocks; hence the justicia of the Aragonese Casa de Ganaderos and the entregador of the Castilian Mesta. In this connection there is, however, an important difference between the two which should be noted. The Aragonese official's hearings

[1] *Manifiestase el derecho que tiene el justicia . . . para exercer jurisdicción* (Saragossa, *ca.* 1680). Bib. Nac. Madrid, Ms. 8702, fols. 85–89, gives the texts of parts of these documents.

were held at such times and places as suited his convenience, usually in the house of the organization in Saragossa. He was required, however, to make at least one annual visit to the mountain pastures in order to hear the complaints of the poorer highland herdsmen,[1] to insure the accessibility of pastures, and to open the *cabañeras* or highways for sheep.[2]

This Aragonese justicia cannot, however, be described as an itinerant officer, as was the Castilian entregador, whose duties, as we shall presently see, led him over a much larger territory and into problems far more complex and extensive. There was another vital distinction between the two. In the exercise of his office the Castilian inflicted only pecuniary penalties, whereas his cousin in Saragossa had full power to use the lash, mutilation, exile, and even capital punishment, with no appeal open to the accused. It was not until 1646 that death penalties were required to be confirmed by a higher court.[3] This finality of the justicia's decisions gave him a distinctly higher standing than that of his Castilian counterpart, the chief cause of whose loss of prestige was the rise of the two appellate *chancillerías* at Valladolid and Granada in the later sixteenth century and after.

A further contrast is to be found in the qualifications of candidates for the two magistracies. It was required of the Aragonese official that he be a citizen of Saragossa in full legal standing, a stock owner with a flock of at least four hundred sheep during the four years preceding his election, and he must at some time have served as a lieutenant or assistant to a justicia.[4] The

[1] *Ordinaciones de la Casa de Ganaderos* (Saragossa, 1640), pp. 29–30. There were many editions of these ordinances, the first printed one being issued in 1462, according to the prologue to the one of 1640. This would make it one of the first books printed in Spain. Later editions followed in 1500, 1589, 1640, 1661, 1671, 1686, 1717, 1805, and 1817.

[2] *Memorial Ajustado al Expediente introducido por el Ayuntamiento de Zaragoza en el Pleyto . . . de la Muela . . . sobre dehesas* (Saragossa, 1770), p. 19.

[3] This point of superiority of the power of the justicia over that of the entregador was discussed in a print of the petition presented by the Casa against the extension of the laws of the Castilian Mesta into Aragon, which begins "Señor, los Justicia, Consejeros, Cofadres . . . de la Casa . . . " (8 pp., n. t. p., *ca.* 1707).

[4] In the eighteenth century the property qualification was raised to one thousand head.

absence of any such wise specifications in the case of the entregador had much to do with the unpopularity and inefficiency which were so constantly apparent in the history of that office. To conclude this brief comparison, we may note that both of these judges reported at the semiannual meetings of their respective organizations, to answer queries and complaints regarding their transactions and sentences. The stipend of each was roughly one-third of his pecuniary condemnations, supplemented in the seventeenth century and after by a fixed salary.

After the middle of the seventeenth century the powers of the Saragossan justicia were considerably modified. The change made in 1646, providing for appeals from the death sentences imposed by that official, was the first of several steps to restrict his activities. Philip V's cedula of 13 April 1709 introduced other limitations,[1] and from that time onward the justicia served more and more as an administrator. His jurisdiction as a judge was checked by appeals and curtailed by assignments to local or national officers, until by imperceptible gradations he merged into the secretary of the present-day organization: a series of changes which synchronize with and are strikingly analogous to those undergone by the entregador in Castile.

The history of the justicia has been an important but almost unknown episode in the economic and constitutional development of the peninsular kingdoms; the points that have been here mentioned deal only with such salient features as furnish illustrations of contrast and comparison with the entregador. Strongly intrenched behind the ancient privileges of the capital of his realm, the justicia of the Saragossan sheep owners' gild stands beside the more noted national justicia of Aragon as another example of that union of autocratic powers and high responsibility which was so characteristic of certain officials in the eastern Spanish kingdoms.

There is ample evidence of the existence of a migratory pastoral industry in the earliest periods of the recorded history of Castile; but previous to the founding of the Mesta, in the thirteenth century, there is no indication of any itinerant judicial protector who

[1] *Ordenanzas de la Casa* (ed. of 1817), tit. 3.

might be taken as a predecessor of the entregador. Scores of special privileges and charters had been bestowed upon the migrant herds of cities, monasteries, and nobles during the early Middle Ages. In fact, these donations had come to be so common by the middle of the thirteenth century that the *Partidas*, the great code of Alfonso X, gave a fixed form in which they were to be drawn up.[1] The important point to be noted in the present connection is that although this form of pastoral industry was recognized as one worthy of liberal privileges, by which migrating herds of many nobles, cities, and ecclesiastical and military orders were placed on an equal footing with those of the king, no necessity had thus far been found for special judges to protect these privileges.

An examination of the town charters, or *fueros*, of the twelfth and early thirteenth centuries reveals a similar situation. Although most of them contain sections regulating the affairs of shepherds and their flocks, there were never any provisions for a special magistrate to pass upon disputes between sheep owners and the agricultural class.[2] Many of these charters, however, contain some legislation regarding the appointment of a special judicial officer or alcalde to settle disputes in which both parties were herdsmen or stock owners. There was, for example, the *alcalde de los pastores* in Uclés,[3] and the *alcalde de rafala* or judge of the horse fair in Cáceres.[4] These officials, who were sometimes called *alcaldes de corral*, from the enclosure in which the stray animals were kept, are comparable to the hog reeves and field drivers of the English and earlier American town governments. Three of the best types of the local judges for non-migratory herds are to be found in the administration of the later mediaeval or-

[1] *Part.* 3, tit. 18, ley 19: "En que manera deuen ser fechas las cartas que manda el Rey dar, porque anden los ganados seguros."

[2] See, for example, the 'titulo de los pastores' in the fuero of Plasencia, Acad. Hist., Ms. E–126, fols. 219 v ff., also Bib. Nac. Madrid, Ms. 714, fols. 208 ff.; and the fuero of Uclés, tits. 99, 192, and 194, in *Boletîn Acad. Hist.*, xiv (1889), pp. 302–355. Other examples also occur in the same, xxxvii (1900), pp. 367–430, 449–458; and in the fuero of Molina, in Acad. Hist., Ms. 12–19–1/35, fols. 422 ff.

[3] Fuero of Uclés (*vid. ante*), tit. 195: "Qui pennos amparare a los alcaldes de los pastores."

[4] Ulloa y Golfin, *Privilegios de Câceres* (1676 ?), tit. 401.

dinances of Seville, Toledo, and Madrid.[1] These alcaldes were the source of much trouble to the Mesta because of the conflict between them and its officers, the *alcaldes de quadrilla*, who, it will be recalled,[2] were likewise assigned to the hearing of local disputes between stock raisers, and to the settlement of questions regarding the ownership of *mostrencos* or strays. The jurisdiction of these local alcaldes was in every case limited to matters involving non-migratory flocks. In no way were they, or any others of the many pre-Mesta sheep and cattle reeves, appointed to protect the interests and privileges of the migratory flocks.

As the conquest of the Moors proceeded southward, stronger city governments grew up in the newly conquered territory, and a settled agricultural class began to develop in importance and power. These new interests were soon voicing protests against the roving transhumantes, and consequently the need of a specially empowered itinerant magistrate to protect the interests of the migrants became apparent. These were the conditions which led to the oldest extant charters of the Mesta and the creation of the alcalde entregador.

The complexity of relations between the different classes of the very mixed Castilian population of this period had brought into existence a number of interracial and interclass judicial officers. We find the *alcalde de entre los Cristianos y Moros*,[3] and the *alcaldes que acen las entregas de los Cristianos y de los Judíos*.[4]

[1] *Ordenanças de Sevilla* (Seville, 1527), fols. 115 v–123 v; *Ordenanzas . . . de Toledo* (Toledo, 1858), pp. 4–14; T. D. Palacio, *Documentos . . . de Madrid* (Madrid, 1888–1909, 4 vols.), iii, pp. 391–408. The office of *alcalde de mesta*, or *de corral*, was continued in Madrid until 1836, or forty years after the abolition of the entregador: cf. Arch. Ayuntamiento Madrid, sec. 2, leg. 438, no. 5. The same office existed in Navarre, with jurisdiction over all stray animals in the kingdom. *Nov. Recop. Leyes Navarra* (Pamplona, 1735, 2 vols.), lib. 1, tit. 24, ley 3. See also the ordinances of the mesta of Baena (near Cordova), 1415–1536, in the *Antiguas Ordenanzas de Baena*, ed. Valverde Perales (Cordova, 1907), pp. 127–136; and the *Ordinaciones de la Mesta de Albarrazin* (42 pp., Albarracín, 1740).

[2] See above, pp. 13 ff.

[3] Acad. Hist., Ms. Salazar O–13, fols. 70–71: a privilege to Burgos (1304). Archive of the Duke of Osuna (Madrid), Béjar c. 32, no. 38, f. 1, p. 587: the transfer of the income of such an office in Murcia in 1450.

[4] Acad. Hist., Ms. 12–19–1/35, fols. 431–433: a privilege to Alarcon (1293); cf. Ms. 12–19–3/38, fol. 56, Plasencia (1293).

The latter title gives some indication of the origin of the name *entregador*, the 'awarder'; and the significance of the title becomes clearer in the light of certain Mesta charters to be considered in a moment. He was evidently an officer who awarded compensation and made the *entrega*, or return, of any wrongly seized property and excessive exactions. In the case of the 'entregador between Jews and Christians' the office was really one for the regulation of the relations between money lenders and borrowers. The purpose in that case was ostensibly to protect the supposedly victimized latter class from usury.[1]

The prevention of extortion and unjust exactions from otherwise defenceless victims — from the latter's own point of view — was the essential function of the entregador in every case, whether his wards were wandering herdsmen, helpless debtors, or the dupes of Moorish peddlers and hucksters.[2] These officials were generally appointed by the king from among his courtiers — a fact which brought forth frequent protests from the towns against 'these meddling, intruding *forasteros*' (strangers). Such complaints were answered with favorable grants of exemption and by the restriction of the activities of such judicial representatives of the central authority as the *merinos* and the entregadores.[3]

There is no evidence of the existence of the office of alcalde entregador of the Mesta previous to the time of Alfonso X; indeed, it was specifically declared by the Cortes of Palencia in

[1] The Cortes debates of the fourteenth century refer frequently to this officer. See *Cortes*, Valladolid, 1293, pet. 12; 1299, pet. 11; 1307, pet. 18; Palencia, 1313, pet. 30; Burgos, 1315, pet. 30; Madrid, 1339, pet. 8. The fuero of Soria (1256) has a section on *alcaldes . . . de los Judios*; see Loperraez Corvalan, *Descripción Histórica del obispado de Osma* (Madrid, 1788, 3 vols.), iii, p. 103.

[2] Acad. Hist., Ms. Salazar O–13, fols. 50–52: a Burgos charter of 1298 — "que mandamos dar pesquisidores entregadores, tales que sean omes buenos que fagan pesquisa [inquiry] por las merindades en raçon de las maltuertas e de las tomas e de los rouos e del condurijo [?] que se toma sin derecho. . . .

[3] Acad. Hist., Ms. Salazar O–13, fols. 101–102: a concession to Burgos, 1375, ordering judges of this class "que non entreges ni merinedes en ningunas de las dichas aldeas (de Burgos), ni fagades y entregas ningunas . . . que non entiendes merinar ni facer entregas." Acad. Hist., Ms. 12–19–2/55, fols. 25–40: a concession to Fenestrosa, 1287: "Si merino ú otro oficial mayor ficiere o demandare contra derecho matenlo; et non peche mas de cinco sueldos." Similar exemptions are to be found in Arch. Hist. Nac., Docs. Sahagun, no. 185 (1231), and González, v, pp. 649–654 (1373).

1313 [1] that "there were no entregadores for shepherds in the days of King Ferdinand who reconquered Seville [1252] nor in the days of other kings before him." The earliest document dealing at length with the entregador is a commission of appointment issued to the "entregador of the shepherds of the *cañada* of Cuenca," in 1300,[2] instructing him to perform his duties "as they were in the times of King Alfonso [X], my grandfather, and of King Sancho [IV], my father."

The first mention of the entregador of the herdsmen is in the earliest of the extant Mesta charters, that of 1273. The reference is a casual one, and indicates that the entregador was already known at the time the document was drawn up. It may be concluded, then, that the origin of the office occurred in the first two decades of Alfonso X's reign, one of the two or three most productive and significant periods in the juridical history of Castile. The creation of the office of entregador synchronized with, or slightly preceded, that of the Mesta; the two events were, in fact, closely associated episodes in the administrative unification of Castile after the Moors had been driven beyond the southern borders of the kingdom.

It should be carefully noted that the entregador first appears, not as a subordinate officer of the Mesta, but as a direct representative of royal authority. This is the most significant but far too little appreciated characteristic of that magistrate during the three centuries previous to the reign of Philip II, which may be taken as the first of the two great periods of his history. This period of the history of the entregador, though chronologically equal to the second, is naturally supplied with less documentary evidence, and an analysis of it is, therefore, lacking in the wealth of detail which makes possible a more accurate study of the second epoch, from the reign of Philip II. In the first period we are concerned with the relations between the entregador and the first and most important ally of the Mesta, the crown. In the

[1] Pet. 40.

[2] Arch. Ayunt. Cuenca, Becerro, fols. 25–27. This document has been printed, with some serious errors and omissions, in Benavides, *Memorias de D. Fernando IV* (1860, 2 vols.), ii, pp. 222–224. There is also a copy in the British Museum, Ms. Add. 9915, fols. 361–368.

second the dominant interest lies in the story of the relations of that magistrate with the two bitterest foes of the Mesta, the Cortes and the *chancillerías*, or high appellate courts.

The first period comprises the history of the entregador during the long centuries of the Mesta's inception and its gradual crystallization as a national institution under the watchful care of the monarchy. The prestige of the Mesta and its itinerant protector rose to its greatest height at the close of this period, namely during the first two-thirds of the sixteenth century. The crest was reached at about the year 1568, when the Mesta took over the proprietorship of the office of entregador. The title to the incomes of the post had in the beginning belonged to the crown, and later to various noble families under royal supervision. After 1568 the entregadores became internal officials of the Mesta, and the greater part of the heavy fines which they levied were paid into the treasury of that body. The Mesta was thenceforth the lobject of persistent onslaughts from its ancient opponents, the local landowning and non-migratory pastoral interests. Beginning in the first years of Philip II's reign, these carried on a relentless campaign against the entregadores in the high courts and in the national assembly.

The two periods are by no means mutually exclusive. In other words, the year 1568 does not mark the end of the relations of Mesta and entregador with the crown; much less does it indicate the beginning of the long struggle between the herdsmen and the towns in the courts and the Cortes. It is, however, none the less clear that the first three centuries of the rise of the Mesta are dominated and indeed explained by the connection of that institution and its judiciary with the crown. Similarly, in the examination of the second period of the entregador's history, we shall find the story of the decline and disappearance of the office to be centred around the stormy relations between the Mesta on the one hand and the Cortes and the *chancillerías*, or high courts, on the other.

The opening topic of the charter of 1273 sheds important light upon the essential characteristics of the entregador. In discuss-

ing those sheep owners and shepherds who did not wish to be subject to the laws of the Mesta, it was stipulated that if "anyone does not care to be in it [the Mesta] and does not wish to give adherence as the others [i. e., members] give . . . then your [the Mesta's] alcaldes should make him give and should seize him for disobedience; and if they do not succeed, I order my entregadores to help them and to make the culprits pay double." [1] We have here the first indication of a principle which was often enunciated by later sovereigns, who appreciated the possibilities of exploiting the pastoral industry through their control of the Mesta. The latter, they declared, was all-inclusive and all shepherds were subject to its laws — a doctrine which suggests the attitude of many gilds in other countries, and one which was insisted upon by the Mesta and its royal patrons on many subsequent occasions.[2]

This earliest reference to the entregador of the Mesta is significant because it brings out at once the clear distinction between the *alcalde de Mesta* or internal judge of that body, and the entregador, the direct representative of the king. In some of the later documents the former title has been applied to the entregador. This fact probably accounts for the failure of practically all investigators and critics of the Mesta, both contemporary and modern, to point out the important distinction between these two very different offices. By far the greater part of the abuse and criticism of the Mesta, whether just or unjust, was directed at the entregador, as being its chief defender. It is true that the Mesta was theoretically more or less in control of that official and responsible for his acts. On stated occasions he was required to report to the Mesta, as we shall see in a moment; furthermore, the proprietary entregador-in-chief, who named the active entregadores, was appointed by the king, nominally on the suggestion of the Mesta. In spite of these facts, however, the entregadores had a distinctly external position with reference to that body. They were essentially crown officers, used as administrative units by the monarchy and not by the gild of the herdsmen.

The direct nature of this connection between the entregador and the crown is clearly established in many ways. Almost all of

[1] *Quad. 1731*, pt. i, p. 4.

[2] See below, pp. 262, 264.

the profits of the office, for example, were paid to the king, save for that part which was retained by the entregador as a salary.[1] Not until the time of Ferdinand and Isabella does the Mesta appear as the recipient of a one-third share in the proceeds from certain entregador cases.[2]

The entregador acted as the protector of the interests of the Mesta in all of its external relations. It should be noted, however, that he performed that service by virtue of his authority as a direct representative of the sovereign. Therein lay the efficacy of his office as an instrument for the establishment of the claims of the Mesta against those with whom it came in contact in all parts of the realm. For example, the negotiations between the Mesta and the Order of Calatrava in 1287, on questions of jurisdiction, were conducted on the part of the Mesta by a group of *personeros* or representatives who described themselves as " we, entregadores of our lord, the king." [3] It was the king and not the Mesta who issued any necessary instructions to the entregador, the usual reference being to " my entregadores of the shepherds."

One of the chief reasons for the constant recurrence of complaints from the Cortes to the king against this official was the fact that the latter was regarded as being directly subject to royal supervision, just as were such judges and agents as the *merinos* and the *corregidores*. The entregador was, therefore, singled out for criticism instead of some official of the Mesta itself, who was probably quite as obnoxious to the protesting agricultural and other local interests. This association of crown and entregador was further strengthened by a stipulation, made by the sovereign in all of the earlier instructions to entregadores, to the effect that all disputes as to the extent of their jurisdiction as well as all complaints against them ' should be heard before the king and nowhere else.' [4] An exception was made in the case of charges by

[1] The king's monopoly of the profits of the office is well brought out in the royal appointment of an entregador in 1306. Arch. Hist. Nac., Calatrava Docs. Reales, iii, no. 163. *Memorial Histórico*, i, pp. 308–324, gives an agreement of 1277 by which Alfonso X leased the entregador fines to Jewish contractors for four years.

[2] The question of the salary of the office is more fully discussed below.

[3] Acad. Hist., Ms. Salazar, i, no. 41, fols. 239–240.

[4] Arch. Hist. Nac., Calatrava Docs. Reales, iii, no. 163 (1306).

Mesta members; these were heard in the semiannual meetings of that body. With the elaboration of the judiciary under the Catholic Kings, in the later fifteenth and early sixteenth centuries, this function of hearing appeals from entregador decisions was transferred to the two appellate chancillerías. This was, quite unintentionally, the first step in the alienation of the Mesta from the protection of the crown, the first loosened stone in the hitherto impregnable stronghold of its prestige.

With the above characteristics of the office in mind, it is not difficult to understand why the position of the *alcalde entregador mayor*, or entregador-in-chief, who received from the king the right to farm out the lesser entregadorships in different parts of the country, was one of such high honor and emolument. This chief of the staff of active entregadores was usually given his office as a mark of special distinction or in exchange for important services to the crown, or sometimes for a high purchase price. The post was held by persons of noble descent only, and as a rule by someone standing in close relations with the king. Under Alfonso XI it was held by Iñigo López de Orozco and later by Juan Fernández de Arevalo, two commanding figures in the fourteenth-century baronage. Peter the Cruel gave it to his supporter, Fernán Sanchez de Tovar, having deprived the famous Juan Tenorio of it. Under John I, Henry III, and John II, the office remained in the hands of three generations of the family of Gomez Carrillo. In fact, by 1390, or thereabouts, the control of the entregadores had become hereditary, always, however, with due recognition of the crown as the direct source of all prerogatives and authority vested in the position. The last of the Carrillo family came into possession of the office in 1417, at the age of five,[1] and John II therefore named the guardian, Lope Vasquez de Acuña, as acting entregador-in-chief. This appointee soon had the position conceded to him in his own right, and under Henry IV he was succeeded by his descendant, Pedro de Acuña, Count of Buendía.[2] The office of chief entregador became the property of

[1] See below, Appendix D: text of the royal commission to Gomez Carrillo, 30 Nov., 1417.

[2] Arch. Mesta, S–5, Siguenza, 1792, gives the texts of the royal appointments of

the latter title until it was sold to the Mesta, in 1568, for 750,000 maravedis.[1]

The *entregador mayor* derived his income from the office by farming out certain districts as itineraries to subordinate entregadores. Nevertheless the crown continued to keep in close touch with all such magistrates, even to the extent of occasionally naming them regardless of the prerogative of the entregador-in-chief. Such a royal nomination of an entregador for a particular district or route was usually made with the consent of the Mesta members of that section.[2] The practice of consulting these members fell into disuse, however, as the central authority represented by the king and the titled proprietor of the entregadorship grew stronger. Finally, in 1419, when the Mesta endeavored to revive its old prerogative, the Carrillo and Acuña families, proprietors of the office at the time, readily secured a peremptory royal refusal to the sheep owners' petition.[3] Thereafter the staff of entregadores, both chief and subordinates, was even more clearly defined as a corps of distinctly royal officers.

The powerful nobles named above, who controlled the entregadores under John II and Henry IV, taking full advantage of the

these officials from 1417 onward. On the Count of Buendía's appointment, see also Acad. Hist., Ms. E–127, fols. 183–185. There is a brief account of the historic Buendía family in the *Boletín de la Sociedad Castellana de Excursiones* (Valladolid, 1901 ff.), iii, p. 143.

[1] *Quad. 1731*, pt. 2, p. 259.

[2] Arch. Ayunt. Cuenca, Becerro, fols. 25–27: the royal letter of appointment of an entregador, dated September, 1300: " . . . los pastores de la cañada de Cuenca me enbiaron pedir merced que les diesse por mio alcalde y entregador en la cañada de Cuenca a Roy Ferrandez, cauallero de Cuenca, y yo touelo por bien . . . y mando que oya las querellas que acaescieren entre los pastores y los de la tierra, y les faga las entregas. . . ." An appointment of 1308 is similarly worded. Arch. Hist. Nac., Calatrava Docs. Reales, iii, no. 165. In another of 1306, however (ibid., no. 163) there is no consent indicated on the part of any Mesta members. The latter document is further indicative of the crown's immediate control over the entregador by the delineation of the jurisdiction of the appointee " . . . en todas las cañadas, salue en las villas y lugares de la reyna mi madre." This exemption of the queen's lands was stipulated in most of the entregador appointments previous to the sixteenth century. There is also a notable *concordia* or agreement between the Mesta and Queen Leonora, dated 1423, on this subject. Arch. Mesta, P–6, Puebla de Montalbán, 1423.

[3] Arch. Mesta, S–5, Siguenza, 1792.

weakness of the crown, had their tenure and jurisdiction secured by a series of letters patent which afforded them ample protection against the protests of local officials and even of the Mesta itself. They seem to have been particularly insistent upon the enforcement of the old requirement which brought all complaints against the entregadores before the king himself: a provision which, after all, was not without some reason, since the greater part of the protests arose from conflicting exemptions granted by the crown, on the one hand to the towns and on the other to the Mesta.[1] In a word, the whole tendency of the time was steadily toward the concentration of the supervision of the Mesta in the hands of officers of the central government.

The most significant step in this direction came in 1454, when the king appointed Pedro de Acuña, "my counsellor and chief guard, for many and good services rendered, to be the entregador mayor."[2] By this appointment the chief entregador was made the means of communication between the crown and the Mesta, because of his dual status as personal adviser to the sovereign and director of the most important officials of the Mesta. Through him were conveyed the royal orders and grants of favors to that body. He protected the interests of the crown at all Mesta meetings, and brought to those semiannual functions a dignity and prestige which they had not previously enjoyed.

From the Mesta's point of view, the designation of a member of the Royal Council as entregador-in-chief was most important. It meant that the herdsmen would have a representative constantly near the sovereign to plead their cause. The inauguration of this practice of having some important Mesta official in constant attendance upon the king gave the sheep owners a marked advantage, which they were to use most effectively in the sixteenth century in the struggles with their less favored and unorganized opponents. With this state of affairs in mind, we are quite pre-

[1] Arch. Mesta, F–2, Fuente Pinilla, 1509: an entregador's commission of 1435 in which the local judges are threatened with loss of office for failure to present all questions of difference between themselves and the entregador before the king. There was a similar provision in a commission of 1339: Arch. Hist. Nac., Calatr. Docs. Reales, iii, no. 220.

[2] Arch. Mesta, F–2, Fuente Pinilla, 1509.

pared to understand the significant step taken by Ferdinand and Isabella in 1500, when they created the office of President of the Mesta, which was to be held by the senior member of the Royal Council, the first appointee being Hernán Perez de Monreal.[1]

Another evidence of the bond which was so rapidly strengthening between the autocracy and the Mesta was the coöperation between the entregador and the corregidor, that 'cornerstone of the administrative edifice' of the Catholic Kings.[2] The corregidor was instructed to assist the Mesta judge in the exercise of his privileges, and in some cases to sit with him in an advisory capacity.[3] In the seventeenth century, when Spanish royalty had but a shadow of its former grandeur, this practice of sending the corregidor to reënforce the power of the entregador was resorted to in the forlorn hope of restoring some of the old prestige of the monarchy and the Mesta.

The concentration of the control of the Mesta under the various branches of the central government was carried further, early in the sixteenth century, by certain new provisions concerning appeals.[4] The commissions or appointments of entregadores issued in 1509, 1516, and 1529 emphasized the function of the royal chancillerías and the Council as the only appellate courts above the entregador. This set aside once and for all any possible remnant of the now almost obsolete claim of the proprietary entregador-in-chief to hear appeals in certain minor cases.[5] Indeed, the Council seems to have taken particular pains during the

[1] Martinez Salazar, *Colección de . . . Memorias del Consejo* (1764), pp. 221–237, and Escolano de Arrieta, *Práctica del Consejo Real* (1796, 2 vols.), i, pp. 584–587. See above, pp. 52 ff.

[2] Mariéjol, *L'Espagne sous Ferdinand et Isabelle* (Paris, 1902), p. 172.

[3] Arch. Mesta, R–2, Ruecas, 1497; A–5, Aledo, 1488; B–2, Béjar, 1498; A–9, Ávila, 1502; Prov. i, 18 (1498).

[4] Arch. Ayunt. Cuenca, leg. 12, no. 5 (1509); Arch. Simancas, Diversos de Castilla, no. 909 (1516); Arch. Mesta, C–3, Candeleda, 1534 (1529). A good illustration of this point is found in a case which was tried in 1557, when the town of Magaña, near Soria, appealed from an entregador's sentence to the alcalde mayor of Burgos. The Royal Council immediately intervened and ordered that the appeal be carried to the chancillería at Valladolid. Arch. Mesta, B–4, Burgos, 1557. This was before the hostility between Council and chancillerías had become fully developed. See below, pp. 111 ff.

[5] Arch. Mesta, S–5, Siguenza, 1792: a commission of 1417.

earlier years of the Hapsburg period to emphasize the royal source of the authority vested in the entregador. In a decree of 1516, for example, the city of Plasencia was forbidden to accept as legal the sentences of any judges who might call themselves entregadores, " unless they are appointed directly by the king." This was especially intended to check " certain judges appointed by the Count of Buendía [proprietary entregador-in-chief], who are authorized to examine only the boundaries of certain cañadas, whereas the entregadores appointed by the king are empowered to supervise pastures, enclosures, and all other affairs of the members of the Mesta." [1]

The proprietary entregador, or entregador mayor, had thus become practically a nonentity, save for his title to the privilege of farming out certain lesser functions of Mesta administration. The change was largely due to the new absolutism of the sixteenth-century monarchy. His significance as a royal appointee disappeared as the President of the Mesta took over the prestige as well as the functions of his office. The transfer in 1568 of the ownership of that office from the Buendía family to the Mesta marks the end of any external or non-governmental control of the herdsmen and their gild.

[1] Arch. Mesta, P–1, Plasencia, 1742.

CHAPTER VI

THE ENTREGADOR AND THE TOWNS

Functions of the entregador. Contact with town authorities. Inspection and protection of the cañadas. Restraint of marauders. Supervision of pastures, enclosures, and commons. Conflicts with the Cortes and with towns. Exemptions from the entregadores' visitations. *Residencias* or hearings of complaints. Restrictions upon entregadores by higher courts, Cortes, and town leagues.

THE first period of the history of the entregador — that which we have just been examining — was concerned with the founding and fostering of the office by the crown, and the culmination of its power under the absolutism of the first Hapsburgs. The second period deals largely with the struggle to maintain the prestige of the Mesta and its magistrate against the towns and the landholders, but in this the entregador met with less and less success as the waning strength of his once autocratic royal ally slowly crumbled away in the seventeenth century.

This disintegration of the monarchy, and the unchecked operation of the ancient Spanish predilection for separatism, spelled disaster for so unified and nationalized an institution as the Mesta. It was impossible for that body to function without the support of a strongly centralized administrative machine. We must, therefore, turn to an examination of the vital part played by the corps of entregadores in that machine, with special reference to the organization of this itinerant judiciary and its contact with local interests — the number of judges, their jurisdiction and functions, and the chief phases of their conflicts with the towns.

The earliest documents dealing with these magistrates give no definite indication of their number, but the references to their itineraries, which lay along the cañadas, or sheep highways, offer a basis for reasonably acceptable conjectures. It is known, for example, that two entregadores represented the Mesta in its negotiations with the Order of Calatrava, these two being " the

ones who were serving at the time for the king." [1] Further evidence upon the probable number of entregadores in the mediaeval period is found in the first extant commission of an entregador, which was issued in 1300. The recipient was to serve " in the cañada of Cuenca . . . along the routes covered by the flocks from that section," [2] and there is ample evidence to show that each of the other three great sheep highways was assigned in a like manner to an entregador. In 1378 the city government of Cáceres and representatives of the Mesta agreed upon a *contrata* fixing the jurisdiction of the " entregador for the shepherds of the cañada of León." [3] Similar references are to be found to entregadores of " the cañada Segoviana, the Toledana, and that of Montearagon." [4] There was at first, apparently, one entregador for each quadrilla or Mesta district,[5] and the highways leading southward therefrom; but the practice soon developed of making the assignments by bishoprics instead of by cañadas. This may have increased the number of entregadores slightly, though these ecclesiastical units were frequently grouped so as to cover districts approximately equal to the quadrillas.[6]

During the later Middle Ages the size of the districts assigned to the different entregadores varied from one bishopric to ten or twelve. In the latter case there was a redistribution or farming out to subordinates.[7] As was indicated above, there is no means of ascertaining the exact number of active entregadores previous to the sixteenth century, but by about 1500 it had become definitely fixed at six.[8] Their districts were assigned to them by the President of the Mesta, namely the senior member of the Royal Council: a further extension of the control of the entregador by

[1] Acad. Hist., Ms. Salazar, I–41, fols. 239–240.

[2] Arch. Ayunt. Cuenca, Becerro, fols. 25–27. See p. 19.

[3] Bib. Nac. Madrid, Ms. 430, fols. 103–108.

[4] Arch. Hist. Nac., Calatrava Docs. Reales, iii, 163 (1306).

[5] See above, p. 51.

[6] Acad. Hist., Ms. E–127, fols. 183–185, 191–192: assignments of entregadores to bishoprics, corresponding to the *quadrillas* of Cuenca and Soria, dated 1480 and 1481.

[7] Arch. Mesta, B–1, Baeza, 1432, and G–2, Guadalupe, 1425, give instances of entregadores assigned to the bishoprics of Jaen and Plasencia.

[8] Arch. Ayunt. Cuenca, leg. 12, no. 5: a commission of 1509.

the central executive. This number was maintained throughout the century, but with occasional demands from the Cortes that it be reduced to four.[1]

Though the entregadores themselves were few in number, each was accompanied by a large and very active company of bailiffs, clerks, notaries, and other assistants, whose petty annoyances and exactions of fees made the whole system of the itinerant judiciary even more obnoxious to the townspeople. One opponent of the Mesta in the Cortes denounced the entregadores and their numerous assistants as an organization for unlimited extortion and blackmail which supported some two or three thousand persons.[2] This was something of an exaggeration, perhaps, but it was nevertheless indicative of the state of public opinion at the time when the Mesta and its judiciary were at the height of their power. During the succeeding two centuries the number of entregadores gradually declined. In 1589 it had been reduced to four,[3] and the effectiveness of these was greatly restricted by the contest of the succeeding reign. One of the conditions of the subsidy of 1650 was that the number of entregadores be reduced to three, " until such time as two shall appear sufficient." This step was taken " because of the great decline of the sheep industry, which made four entregadores unnecessary." [4] Finally, in 1782, just fourteen years before the abolition of the office, the number was reduced to two.[5]

There were two main functions of the entregadores: first, to keep open the cañadas and the drinking and resting stations of the transhumantes; and, second, to supervise and restrict the encroachment upon public pastures, forests, and waste lands by the neighboring landowners and tenants. There was a third duty, subordinate to the first two and really a part of them, namely, the protection of the shepherds from violence and abuse at the hands

[1] *Cortes de Castilla*, ix, pp. 261–265 (1587).

[2] *Ibid.*, xiii, p. 387 (1594).

[3] *Concordia de 1783*, i, fol. 75 v.

[4] *Escrituras . . . de los Servicios de Millones* (1734), fol. 89. Cf. also *Concordia de 1783*, i, fols. 332–333, and Danvila, " Cortes de Felipe IV," in *Bol. Acad. Hist.*, xi, p. 479.

[5] Arch. Ayunt. Burgos, Ms. no. 5548.

of the local officials, peasants, highwaymen, and others. The actual work of protecting the herdsmen in their migrations was in the hands of certain guards, called *caballeros*, who were under the direction of the entregadores.[1] The guards were detailed particularly to look after certain marauders known as *golfines*, who were usually brought before the entregadores for trial because of their roving habits and their depredations on the transhumantes.[2] Lesser duties, such as the disposal of *mostrencos*, or strays, were sometimes performed by the entregadores, but their chief task was the maintenance of unobstructed highways and pastures for the flocks.

The duties of the entregadores with reference to the cañadas were specified in the Mesta charter of 1284:

> . . . they shall keep open the *cañadas* and the highways, and shall make seizures for any trespass on them by those who cultivate them or enclose them; and the measure of the *cañadas* shall be six *sogas de marco* at forty-five *palmos* to each *soga*. This measure has reference to the *cañada* where it passes through vineyards and grain fields; and the entregadores shall so mark and maintain it.[3]

[1] Cf. *Quad. 1731*, pt. i, pp. 6–7. The title was frequently applied to rural peace officers, such as the *caballeros de la sierra* in the *Ordenanzas de Granada de 1552* (Granada, 1672), fol. 7, and in the *Ordinaciones de Albarrazin* (1647), p. 55. Of a similar nature were the *montanneros* of Soria, described in its fuero of 1190–1214 (cf. Galo Sanchez, *Sobre el Fuero de Soria*, Madrid, 1916, and Loperraez Corvalan, *op. cit.*, iii, p. 102), the *guardas de huertas* of Saragossa in the *Ordinaciones de Zaragoza* (1693), fol. 189, and the *guardas del verde* in the *Ordenanzas de Badajoz* (1767), p. 18. These rural guards were the forerunner of the modern Spanish *guardia civil* and the Mexican *rurales*.

[2] Cf. Arch. Osuna, Béjar, caj. i, no. 5: a *cédula* of 1292, directing the entregadores to check the " daño y fuerzas y otros malos muchos de los golfines "; Palacio, *Docs. Arch. Madrid*, i, p. 146: an *ordenamiento* of 1293 regarding " el danno que ffissieren los golffines a los pastores." The entregadores were strictly forbidden to assess the neighboring towns for any damage suffered in their vicinity by the Mesta at the hands of golfines; cf. Acad. Hist., Ms. 12–19–3/38, fol. 55. The Military Order of Calatrava collected fees from Mesta flocks for the suppression of *golfines*; cf. *Bull. Ord. Milit. Calat.*, pp. 201–202 (*privilegio de 1343*). Further details on this class of marauders are to be found in the *Revista Penitenciaria*, ii, pp. 645–662 (1905); *Revista de Extremadura*, x, pp. 369 ff. (1908); and in Bonilla y San Martin's authoritative note in the *Revue hispanique*, xii, pp. 602–603 (1905).

[3] *Quad. 1731*, pt. i, p. 20. This measure equalled about 250 feet: cf. *Nov. Recop.*, lib. 7, tit. 27, ley 5, cap. 22, and ley 11, cap. 9; Manuel Gómez Valverde, *El Consultor del Ganadero* (Madrid, 1898), p. 243.

As we have seen,[1] these routes were really elongated pastures reserved exclusively for the passage twice a year of the transhumantes. The above specification brings out a salient feature, namely, that the width of the cañadas was definitely fixed only when they lay between cultivated areas. When the sheep highway led across commons or waste lands, the flocks were at liberty to follow any route they chose. The maintenance of the measured stretches of the cañadas was almost the only occupation of the entregador during the Middle Ages. It was, however, an absorbing task, for the fine of a hundred maravedis which was customarily levied for encroachments upon the sheep highways was not enough to keep back the neighboring peasants and landowners. In fact, trespasses were inevitable, in view of the few weeks of use to which the cañadas were put each year.

The periodic visitations of the entregadores became so closely associated in the minds of the townsmen and wayside peasants with the maintenance of sheep walks that the absence of any such highways in a given region was naturally regarded as a guarantee of exemption from the jurisdiction of the Mesta magistrates.[2] This principle was fully recognized by the latter, until the period when the dominance of the Mesta over the rural life of Castile encouraged the officers of that institution to ignore the ancient privilege of towns remote from the cañadas and to hold court in villages which never saw the migrating flocks.

[1] See p. 20.

[2] Arch. Ayunt. Madrid, sect. 2, leg. 358, no. 50: royal privilege of 1345, announcing that "within the limits of the jurisdiction of Madrid there is no cañada and no judge can trespass therein." Acad. Hist., Ms. E–127, fol. 251: royal commission dated 1330, instructing the entregadores to confine their hearings and awards of judgment strictly to the cañadas. Arch. Mesta, Prov. iv, no. 7, lists the towns claiming exemption from entregador visitations. These exemptions were sometimes nullified, however, by entregadores who resorted to their authority to open new highways "wherever needed." See Acad. Hist., Ms. Salazar O–15 (1376), fol. 251: royal commission, dated 1330, instructing the entregadores "que fagan las entregas en todas las cañadas . . . y las querellas le dieren tambien en las cañadas." Arch. Mesta, Prov. iv, no. 7, gives a list of the towns claiming exemption from the entregadores on this basis. These privileges were sometimes evaded by the entregadores, who resorted to their power to open new cañadas. Acad. Hist., Ms. Salazar O–15, refers to the exercise of that function by an entregador in Granada in 1376.

It should also be observed that there were frequent exemptions in favor of towns which lay along the sheep routes. These immunities were either perpetual or for long period of years and were bestowed by the crown as rewards for war time services or were sold by it to raise revenue.[1] Another common restriction upon the entregadores occurred in certain town charters which limited the jurisdiction of the Mesta judges to offences occurring in or directly related to the cañada, and specifically reserving to the local justices the matter of dealing with herds which strayed into neighboring cultivated lands.[2]

Previous to the sixteenth century the cañada was mutually recognized by the Mesta and the towns as the *sine qua non* of an entregador's visitations in a given locality. Where the flocks made use of the ordinary highways, as sometimes happened, they were not entitled to the protection of their special judges.[3] This was modified, however, under the absolutism of the sixteenth century, when the Mesta had come to be employed as an important instrument of the crown in establishing its influence over the local administration of the realm. The Royal Council then disregarded this ancient restriction of the entregadores to the cañadas, and through its senior member, the President of the Mesta, authorized these magistrates to exercise their office in many parts of the country remote from any regular sheep routes.[4] The debates of the Cortes during the sixteenth century were interspersed with protests against this encroachment of the itinerant judges upon the territory of the local justices, who were thereby robbed of one of their chief sources of revenue.[5]

[1] The town of Buitrago had received such an exemption in 1288 from Sancho IV, in recognition of its loyalty to him in his war with his father Alfonso X. Brazacorta and Boñar had been similarly rewarded for the same reason: Arch. Mesta, B–3, Boñar, 1762; B–4, Brazacorta, 1752; B–4, Buitrago, 1742.

[2] Acad. Hist., Ms. Salazar O–15, fol. 87 (1376).

[3] The exemption of the town of Siguenza from the entregador's jurisdiction was based on this ground: Arch. Mesta, S–5, Siguenza, 1792: a *privilegio* of 1331.

[4] Arch. Mesta, C–2, Caloca, 1739: a sixteenth-century declaration by the President, authorized by the Royal Council, that the cañada was not necessarily the only itinerary of the entregadores.

[5] *Cortes*, iv, pp. 551–552 (1532); v, p. 83 (1538); v, p. 246 (1542); *Cortes de Castilla*, xiii, pp. 322–330 (1594).

Although this interference with the jurisdiction and profits of the local judiciary was regarded as a serious grievance, the protests against it were by no means so widespread nor so vehement as those directed against the most important phase of the entregador's activities, namely his supervision of the pastures used by the Mesta flocks. The cañadas were clearly defined and of ancient origin. They were, therefore, as a rule accepted by the towns without protest, and the entregadores exercised their jurisdiction over the many minor encroachments on them with little difficulty. When, however, the question came up of the Mesta's access to commons, fallow strips adjoining tilled fields, and other lands which were always open to townspeople but only occasionally to strangers, there arose a serious conflict.

The jurisdiction of the entregador over questions of pasturage was limited to the important matter of enclosures. He had nothing to do with such topics, for example, as the enforcement of the notorious measures of Philip II and his successors, fixing the prices of pasturage in favor of the Mesta. Furthermore, he was prohibited by royal decree from passing judgment upon the equally odious laws of *posesión*, which established the Mesta's perpetual title to tenancy in all fields leased by its members.[1] It was, however, the duty of the itinerant magistrate to make careful observations of all public lands to which the Mesta claimed access, and to prevent any enclosures of them either for agricultural purposes or for the benefit of local, non-migratory flocks (*estantes*).[2]

These lands included the *bosques*, or unclaimed wooded areas, and the *baldios*, or waste sections.[3] The earlier royal charters of the Mesta opened all such regions to the transhumantes and instructed the entregadores to see that the flocks were not debarred from the lands in question. During the Middle Ages the *pastos comunes*, or town commons, and the *rastrojos*, or grain stubble on

[1] See below, p. 322.

[2] His compensation for this service was one-third of the fine levied, the remainder being divided between the Mesta and its prosecuting attorney who accompanied the entregador. *Quad. 1731*, pt. 2, p. 289.

[3] Jordana y Morera, *Algunas voces Forestales* (Madrid, 1900), discusses these terms; also see below, pp. 301 ff.

private fields, were usually recognized as being exclusively for the use of local cattle. It was not until the absolutism of the first Hapsburgs had made the Mesta much bolder and the entregadores more arrogant that the local commons were invaded by the migrants. A similar fate was suffered by various town pastures and enclosures of a special nature: the *corrales de mostrencos*, for the detention of strays; the *sanjuaniegos* for horse-breeding purposes; the *dehesas boyales* for oxen; the *muladares* for refuse heaps; the *colmenares* for bee-hives; and the *carniceros* for meat dealers' animals. There had been some litigation on the question of the access of migratory flocks to these fields, but the towns had generally been able to establish their rights.[1]

During the sixteenth century, however, the Mesta profited to the fullest extent by the growing power of its ally, the crown, and broke down any effective resistance to its judges. As a result, we find the entregadores encroaching upon distinctly local jurisdiction and restricting, under heavy penalties, the enclosure of town commons either for arable or for any of the above named special purposes. Although this was in direct violation of their letters of appointment, the Mesta magistrates continued their excesses in spite of frequent protests from the Cortes.[2]

As is usually the case, such aggressions were not legalized until the practice had been common among entregadores for some decades. It was not until 1621 that the Royal Council, the unfailing friend of the Mesta, recognized the right of the Mesta judiciary to try cases involving the enclosure of parts of town

[1] Bib. Nac. Madrid, Ms. 430, fols. 45–48: an exemption granted to Cáceres in 1341, covering its pastures of the above named types. Madrid was able to go even further and to establish the jurisdiction of one of its judges over neighboring *baldios* which were usually regarded as coming under the supervision of the crown, and, therefore, of the entregador: Arch. Ayunt. Madrid, sec. 2, leg. 303, no. 1. On the Mesta's access to *baldios* see also *Concordia de 1783*, ii, fols. 308 v, 316 v.

[2] *Cortes de Castilla*, v (adic.), pp. 552–553 (1576); ix, pp. 261–265 (1587); xiii, pp. 261–262 (1594); xiv, pp. 446–455 (1596); xix, p. 547 (1600). These references contain certain lengthy discussions of the various types of distinctly local pastures which should be subject to the jurisdiction of the town justices and not to the entregadores. Arch. Mesta, B–2, Baraona, 1774, presents a typical instance of the Mesta and its judiciary claiming access to the *pasto comun* of the town on the ground that its very name implied that it was common to all sheep, including transhumantes.

commons, giving the entregadores one-third of all fines which they levied for such offences.[1] Meanwhile the Cortes had continued to voice a country-wide protest against this particular form of aggression on the part of the Mesta officials. The most forceful and convincing evidence, however, was brought against the entregadores toward the close of the sixteenth century, in an important series of reports which had been sent in by a score of corregidores and other agents of the central government. These men had been sent out to investigate agricultural conditions in central and southern Castile and with striking unanimity they denounced the interference of the entregadores with the extension of arable lands. They declared that such arbitrary power in the hands of this unscrupulous itinerant judiciary was unquestionably the most potent factor in keeping down the quantity as well as the quality of the agricultural population.[2] Even Philip II and his ministers, patrons though they were of the Mesta and its judiciary, could not lose sight of one fundamental principle of mercantilism: the tax-paying potentiality of the rural population was far too significant an asset to be lightly ignored. It was not long, therefore, before the entregadores found themselves embarrassed by unexpected hostility and pressure from the Royal Council.

Curiously enough, the opposition of the Cortes to the entregador began to weaken at about the same time. The deputies were apparently less and less concerned over the attempts of the Mesta judiciary to break down local enclosures. The last important discussion of that question by the deputies occurred in 1600.[3] One might at first be led to suppose from this either that the Mesta had triumphed completely over all opposition or that the entregadores had ceased to intrude upon questions of enclosures. The real explanation, however, was that there had been dis-

[1] *Quad. 1731*, pt. 2, p. 290; Arch. Mesta, Prov. i, 105.

[2] Bib. Nac. Madrid, Ms. 9372, fols. 31–40. Among the remedies suggested for rural depopulation was that the Moriscos should be forbidden to follow their accustomed 'unproductive' calling of peddling small wares, and should be divided up among the rural districts as agricultural laborers.

[3] *Cortes de Castilla*, xix, p. 547. There are later references to the subject in the debates, but this is the last of any significance.

covered a most effective means of circumventing the mandates of the entregador by appealing from his decisions to the *chancillerías* or high courts. This we shall take up later.[1]

Before leaving this topic of the jurisdiction of entregadores over enclosures, one other aspect of the problem remains to be discussed, namely the efforts of the Mesta, through its judges, to control and exploit the licensing of enclosures. The commissions issued to entregadores in the Middle Ages had authorized them to inspect the royal licenses permitting any enclosures of common lands. By virtue of this authority the more audacious entregadores had come to regard themselves as the agents of the crown for the granting of such licenses. They soon put into effective use this quite unwarranted extension of their powers by employing it to secure a further source of income to themselves.[2] Although during the weaker monarchy of the fifteenth century they were thus able to encroach upon the royal prerogative with impunity, they were sharply brought to terms by the ascendant authority of the crown in the succeeding period. In 1502 a royal mandate was issued to prevent the entregadores from granting such licenses for their own profit.[3] The penalty to be paid by towns or individuals who failed to secure the royal license was raised, in 1509, from one hundred to three hundred maravedis, and was increased later in the century "to any figure not exceeding ten thousand maravedis."[4] The letters of appointment issued to entregadores by Ferdinand and Isabella during this period were very clear in their stipulations that the crown alone could grant licenses for the enclosure either of special town pastures or of arable land.[5] The codified laws which were drawn up later were even more explicit: "No person, assembly, or community of any sort whatever may make an enclosure without our royal license;

[1] See pp. 113 ff.

[2] Arch. Mesta, B–1, Baeza, 1432: a good illustration of this from Andalusia, where the entregador went so far as to draw up the schedule of fines to be collected by guards called *deheseros* from hunters, charcoal burners, and other trespassers upon the *dehesa boyal*, said fines to be paid to himself.

[3] Ibid., Prov. i, 22.

[4] *Nov. Recop.*, lib. 7, tit. 27, ley 5, cap. 28.

[5] Arch. Ayunt. Cuenca, leg. 12, no. 5 (1509); Arch. Simancas, Diversos de Castilla, no. 909 (1516).

nor shall the entregadores authorize any such, or confirm any that may have been given by others, for all persons, assemblies, or communities who would enjoy that right shall come and ask for it before us [the crown]." [1]

All of the evidence on this question of enclosure licenses shows clearly how the powers of the entregador, so carefully fostered both by the crown and by the Mesta, had raised that dignitary, by the opening years of Charles V's reign — about 1519–25 — to a position of independence and strength never contemplated by either his creator — the crown — or his wards — the Mesta members; and it was not long before both of these parties were taking steps to hold the itinerant magistrate in check. From that time onward he was the object of careful observation, especially on the part of the Mesta, until finally he became a member of the regular official staff of that body. This was accomplished in 1568 through the purchase from the Count of Buendía of the proprietary rights over the office. By that time the entregadores had become far too important to allow their continuance outside the immediate control of the Mesta. The wisdom of the purchase was shown by the fact that the price, 750,000 maravedis, though regarded as excessive at the time, was within a decade equal only to a fifth or sixth of the income derived each year by the Mesta from the profits of the office.

In the depression of the economic decay of the seventeenth century, the sale of these licenses for enclosures formed a lucrative source of revenue for the crown and occasionally for unscrupulous entregadores. This naturally caused corresponding vexations to the Mesta members, because of the resulting curtailment of common lands. At the same time the practice gradually developed into a regular formula for purchasing exemption from the visitations of the entregadores, and this practice had much to do with the decline in the importance of those officials under the later Hapsburgs.

The once imposing power of the entregadores as arbiters over the rural lands of the realm slowly crumbled away, as did the

[1] *Nov. Recop.*, lib. 7, tit. 27, ley 5, cap. 28. Cf. Escolano de Arrieta, *Práctica del Consejo Real* (Madrid, 1796), i, pp. 248–251.

other elements of the office. From the middle of the seventeenth century onward, they were less and less a potent factor and more and more mere meddlers in the administration of the pasture lands. They complained solemnly of the evil of intemperance, and cited it as one of the chief arguments against the laying out and enclosing of vineyards in what were once Mesta pastures.[1] They protested feebly against the sale of *rastrojos*, or stubble, "to which the ancient privileges of the Mesta had given the flocks free access."[2] Although theoretically the entregadores still exercised this function of supervising the pastures of the transhumantes down to the abolition of the office in 1796, in practice the various local officials had long since taken over the regulation of all grazing grounds within the jurisdictions of their separate towns, whether frequented by migratory or local flocks. One of the arguments most commonly presented in defence of this step, when such a defence seemed necessary, was that the Mesta's prevention of the extension of enclosures into the open and waste lands had caused the latter to be covered with undergrowth to such an extent that they were not only useless as pasturage, but were also a menace to neighboring communities because of thieves and wolves that were harbored there.[3]

Throughout the eighteenth century vehement charges were brought against the Mesta as a hindrance to the extension of agriculture; and in these charges the entregador continued to be mentioned. Local authorities had, however, taken over the functions of the office, and the pastoral reforms and investigations conducted by Charles III and his ministers touched upon the entregador only incidentally, to eliminate even a formal recognition of that officer as a participant in the administration of pasturage.

[1] Arch. Mesta, C–1, Calahorra, 1650.

[2] Ibid., C–4, Capilla Garlitos, 1742. In some parts of Spain today, for example in southern Aragon, the fields and vineyards are thrown open after the harvest to passing herds, upon payment of a nominal fee. Cf. *Nov. Recop.*, lib. 7, tit. 27, ley 5, cap. 28. See also the ordinances of the town of Baena, 1492, regulating the use of *rastrojos* by the village swine: Valverde Perales, *Antiguas Ordenanzas de Baena* (Cordova, 1907), p. 223.

[3] *Concordia de 1783*, ii, fol. 41.

Probably the most important aspect of the entregador and his history, from the point of view of the student of Spanish institutions in general, was his relations with the towns, and especially his conflicts with the local political and judicial authorities. At every turn in the performance of the two chief duties of his office — the supervision of the cañadas and of the pastures — he was met by conflicting claims of jurisdiction on the part of the town justices. The communities with which the Mesta came into conflict were, for the most part, in the southern plains of the peninsula: districts reconquered from the Moors in the comparatively recent times of the twelfth, thirteenth, and fourteenth centuries. This reconquest had left to the newly gained provinces the usual grants of modified autonomy which fall to the lot of all frontier strongholds. This advantage was accentuated in the present instance by the ancient Spanish tradition of separatism, an attitude of innate suspicion toward all *forasteros*, or strangers, whether from a neighboring province or from a foreign country.

Having in mind this characteristic of strong local self-consciousness, it is easy to understand the constant series of entanglements in which the itinerant magistrates found themselves in their efforts to enforce the privileges of the Mesta against the town officials. The latter were strongly intrenched behind the liberal fueros granted by the late kings of the Reconquest. When the sweeping permission of the Mesta ' to pasture freely in all parts of the realm without the payment of any taxes or imposts ' was met by concessions granting the right to a given town ' to exclude all stock coming from outside the limits of its jurisdiction,' there was bound to be a conflict of the authorities empowered to enforce these respective privileges. This was the basis of the struggle between the entregadores and the local justices. The story of that conflict is the more interesting because it affords an excellent opportunity for the study of the tension and clash between those two ancient forces in all administrative systems, the national and the local, the centripetal and the centrifugal.

It should be remembered that the lands coming under the jurisdiction of the mediaeval and early modern Spanish city were frequently as extensive as provinces. Such cities as Cáceres, Bada-

joz, and Plasencia had as many as a hundred and forty villages within their jurisdiction.[1] The four great Aragonese *comunidades*, or town leagues, of Albarracín, Daroca, Calatayud, and Teruel comprised a total of about three hundred and fifty smaller hamlets centring about these four cities.[2] The chief object of these leagues was the regulation of the pasturage used as commons among them. There was a noteworthy absence of any such closely knit town unions in Castile on anything like an extensive scale. This is one of the chief explanations of the readiness with which the growing strength and solidity of the Mesta and its system of itinerant officers were able to cope with the isolated resistance of small towns in the southern pasture lands. It is true that Cáceres, Badajoz, and a few others of the larger and better organized cities were able to contend on even terms with the Mesta. In the case of the smaller localities, however, it was not until they had united for the expensive process of carrying their cases by appeal from the entregadores' courts to the high appellate *chancillerías*, late in the sixteenth century, that they were able to check the obnoxious interference of these itinerant magistrates with their purely local affairs. Had there been in Castile any counterpart to the Aragonese town leagues for the administration of rural affairs, the Mesta and its entregador would have had a far different and a far less triumphal history.[3] It was only the organization of a union of the southern and western towns in the eighteenth century, under the leadership of Badajoz and the inspiration of Prime Minister Campomanes, that ultimately brought the tottering Mesta to its knees.

As a safeguard for the local interests, it had been specified that each entregador, in the exercise of his office in a given community, should be accompanied by the alcalde, who was the chief executive and judicial officer of the town. Just what the latter was to accomplish is not made clear. It is evident that he was not empowered to sit in the case with an equal voice in forming the

[1] Costa, *Colectivismo Agrario* (Madrid, 1898), p. 399.

[2] See below, p. 299.

[3] An account of one of the few Castilian examples of such an organization is described in Lécea y García, *La Comunidad y Tierra de Segovia* (Segovia, 1893).

decision, though there are instances of his having expressed in writing his dissenting views in certain litigations. The entregador usually sat in the town hall in the court-room of the alcalde, and the presence of the latter on the bench with the visitor was apparently intended to hold the Mesta magistrate in check to some extent. The alcalde was particularly zealous in advising the entregador of local privileges and interests quite as ancient and revered as those of the Mesta.

In the earlier centuries this arrangement for coöperation between Mesta judiciary and town officers was more of a reality. Close association with the alcaldes was regarded by the entregadores as one of their first duties, particularly in the determination of the boundaries of the cañadas. As the Mesta became stronger and its alliance with the crown grew closer, this procedure of recognizing the importance of local dignitaries and their privileges came inevitably to be regarded more and more as a formality of no real consequence. During the sixteenth century the complaints in the Cortes against this growing laxity on the part of the entregadores became more frequent. By the time the following century was well under way, however, it was apparent to the towns that the entregadores were losing strength and were vulnerable to attack and even disarmament by exemptions purchased from the crown, and especially by appeals to the chancillerías. Thus the practice of having local officials accompany the visiting justices fell into disuse.

Having in mind these dominant features of the relations between entregadores and alcaldes, we may turn to a brief examination of some of the more important episodes and details in the history of those relations. Perhaps the earliest instance of friction occurred in 1292, when the citizens of Alcocer made a formal complaint regarding the numerous unjust charges brought against them before the entregador, and the hardship wrought by the sentences of the latter. In answer to their petition, the king ordered that all such cases should be heard "before one of the entregadores with an alcalde of Toledo." [1] This was probably the

[1] Arch. Osuna, Béjar Ms., caj. 1, no. 5: cédula of Sancho IV, 24 Nov., 1292. Alcocer lay within the diocese of Toledo.

first occasion when a local official exercised authority in the court of an itinerant magistrate. The original Mesta privileges make no such provision; nor do the recurrent complaints of the Cortes record any such safeguard until the following year, 1293, when the deputies asked that "the alcaldes of the towns be present to pass upon cases with the entregadores." [1] Not only was this granted, but in addition it was ordered that the Mesta judges should supply the various localities on their itineraries with copies of their commissions "so that if the entregadores are inclined to exceed their powers, they shall not be allowed to do so." The latter clause indicates the function of the local alcalde in this connection: he served, not as a companion judge, but as a check upon the entregador to prevent any illegal extensions of his powers.[2]

One of the frequent and obvious sources of difficulty was the entregador's effort to exercise jurisdiction over cases between citizens of the town where he happened to be sitting. He did this on the theory that the matters in question involved the rights of the Mesta; but the local authorities were nearly always able to check such encroachments by citing the specific limitations of the visitor's letters of appointment, which restricted him to litigation between the migratory shepherds and the occupants of the land.[3] Many towns enjoyed such royal protection as that given to Cuenca by Ferdinand IV in 1306, when the entregadores visiting that section were ordered "not to hear any complaints made by one *vezino* (of Cuenca) against another; said complaints are to be heard by the officials of Cuenca only." [4] It was clearly

[1] *Cortes*, Valladolid, 1293, pet. 7. See a similar provision in a *privilegio* to Plasencia, 1293, in Acad. Hist., Ms. 12–19–3/38, fol. 50.

[2] There are instances where sentences were drawn up as coming from the two jointly, but these were confined to cases where the town belonged to some powerful noble or military order; cf. Acad. Hist., Ms. Salazar, I–41, fol. 89: a case between the town of Miguel Tierra, of the Order of Calatrava, and the Mesta, dated 1308. Similarly there was a *contrata* between Cáceres and the Mesta, made in 1378, providing for joint sitting of the entregadores and the town alcaldes: Bib. Nac. Madrid, Ms. 430, fols. 103–108.

[3] See above, p. 80.

[4] Arch. Ayunt. Cuenca, leg. 3, no. 19, 20 April 1306. The definition of *vezino* given in the fuero of Soria (1190–1214; Acad. Hist., Ms. 12–19–2/36, par. 277) conforms in substance with that given in other instruments of the time, and may be taken as the usually accepted one: "Vezino de Soria es el que ha raiz [stock] en

established, then, that before an entregador could pass upon a case it must directly concern the Mesta itself or one of its members.

Although the laws required coöperation between the itinerant and the local judges, the difficulty of establishing it in actual practice became greater each year, as the Mesta grew stronger and more aggressive. The first outbursts of complaints in the Cortes against this growing menace to local autonomy occurred late in the reign of Ferdinand IV and during the minority of Alfonso XI. In that period, from about 1305 to 1325, the domination of an unscrupulous clique of nobles over centralized administrative affairs, including the Mesta, made the latter thoroughly obnoxious to the municipalities. The attempt was first made to abolish the entregadores altogether, as being hostile to the ancient fueros and privileges of the towns. In 1307 the deputies of the Cortes asked "that there be no more entregadores, and that the local justices should hear all complaints made by shepherds." [1] This petition was not granted, but it was provided that the towns should name special officers to look after their interests in the courts of the entregadores. The new arrangement was apparently not satisfactory, and the above request was repeated in 1313, with the insistence that the entregador was an upstart interloper whose office was less than sixty years old, and therefore a gross innovation.[2] It soon became evident, however, that the judicial protector of the Mesta could not be so easily disposed of. As the towns gradually realized the futility of their efforts to destroy the office, they concentrated their protests upon the demand that the laws be enforced regarding the association of the entregador with the local alcalde upon equal terms: "that they should hear cases together, the two as one." [3]

Soria 6 en su termino, maguer que sea morador en otro lugar. Otrosi, aquel es vezino de Soria que maguer que no hai ahi raiz, que es morador en Soria 6 en su termino por siempre." This interpretation of *vezino*, implying property ownership, especially the ownership of stock, is indicated by the appearance of the word in the title of the Mesta at times in the seventeenth century: 'Honrado Concejo y Vezinos de la Mesta.'

[1] *Cortes*, Valladolid, 1307, pet. 19. [2] *Ibid.*, Palencia, 1313, pets. 38, 40.
[3] *Ibid.*, Burgos, 1315, pet. 33; Valladolid, 1322, pet. 63.

For nearly two centuries, or until the accession of Ferdinand and Isabella, this arrangement seems to have given mutual satisfaction both to the Mesta and to the local interests. The Cortes were silent upon the subject; and the many documents of that period on file in the archive of the Mesta indicate only harmony and regularity in the relations between the entregadores and the local justices. Their coöperative functions gradually became fixed into a set formula, which, though not recognized by any of the laws of the Mesta, or even by the instructions of the crown to the entregadores, was none the less strictly observed by both parties concerned.

As an example of this procedure, we may trace the successive stages of a typical *mojonamiento*, or examination of the boundaries of a cañada.[1] The town *concejo* (assembly) having been summoned by the ringing of the church bell, the alcalde, *regidores*, and other local officers formally received the entregador and his staff. The credentials and royal letter of appointment of the visitor were examined and certified to by the local notary. The *procurador*, or representative of the Mesta, who accompanied the entregador, then made certain charges of trespasses committed by landowners along the cañada within the limits of the town. The Mesta magistrate then requested the *concejo* to name " six good men, the oldest inhabitants of the place," who should go with him to examine the cañada and determine its ancient and proper limits. This having been done, an oath was administered to the six, who thereupon joined the entregador in his work of gathering evidence of the alleged offences. On the basis of this evidence the sentence was drawn up by the Mesta magistrate; and was then handed over to the town alcalde, who formally gave it his approval. This was in substance the method of transacting the business of the entregador in every town along his itinerary. The concurrence of the local judge in the sentences soon became a mere formality, probably because it was felt that the town interests were sufficiently protected by the six ' good men ' who accompanied the entregador on his investigations.

[1] Arch. Mesta, V–4, Villafranca de la Puente, 1457.

In view of this virtual elimination of the town alcalde, one can understand why no objection was raised by the municipalities when Ferdinand and Isabella began to substitute the corregidor, the crown representative in the towns, for the alcalde as the associate of the entregador. The change was made very gradually, and at first no ulterior motive appeared. It soon became evident, however, that the inevitable effect of the new procedure was well understood by the Catholic Kings; and it became one of their most effective measures for the strengthening of the power of the crown in the scattered municipalities remote from the court.[1] In the succeeding reign the towns awoke to the danger confronting their ancient liberties through the menacing coöperation of these agents of the central government, the entregador and the corregidor. When the forces of separatism and nationalism finally resorted to violence in the uprising of the Comuneros in 1520, the entregadores came in for a large share of denunciation in the Cortes, courts, and public meetings generally.

This outburst of hostility toward those officials is to be explained quite as much by their growing arrogance, which was largely inspired by the strongly centralizing policy of the crown, as by the newly born opposition of the towns and country districts to that policy. Throughout the sixteenth century there were repeated demands that the various town governments should be allowed to appoint specially delegated officers to sit with the entregador and to check him in his rulings.[2] The replies of the crown acknowledged that the law required the presence of the local alcalde in the court of the entregador, but no further assurance was given that matters would be improved, other than that the Royal Council would take up the question through its senior member, the President of the Mesta. The evil continued, and the protests likewise.

The eagerness of the entregadores to hear cases having no connection with the cañadas deprived the local officials of a good portion of their income, and thus aggravated the friction between

[1] Arch. Mesta, C–1, Cáceres, 1490, contains several documents on this point.

[2] *Cortes*, Burgos, 1515, pet. 26; Madrid, 1528, pet. 155; Segovia, 1532, pet. 53; Valladolid, 1542, pet. 62.

the opposing interests.[1] The anger of the town justices was further provoked by the petty chicanery of the Mesta, which sought to secure the assignment of some well paid local bailiff for the business of accompanying the entregador. The vote of this official always conformed with that of the visiting magistrate, because he had no interest at stake to warrant his checking the entregador. The town justice, on the other hand, was always anxious to safeguard his own share in profits from fines, and insisted, therefore, that he was the proper official to accompany the Mesta judge. But the pressure of the great sheep owners' organization was too strong for the local justices to overcome, and the Cortes protested long and earnestly, but in vain, against such brazen violations of local autonomy.[2]

Under the later Hapsburgs, however, in the seventeenth century, the Mesta no longer had the upper hand. It had suffered severely in the general economic decay for which it was itself partly responsible. Furthermore, the local interests were finding various means whereby they could thwart the efforts of the herdsmen to maintain the old order of things. The century was crowded with drastic sentences of the high appellate courts reversing those of the entregadores, and with exemptions bought from the crown by the towns. The Mesta led a most unhappily active life in its attempts to have these grants of exemption rescinded. The aid which it usually invoked was that of its proverbial ally, the Royal Council, whose senior member was its own president. But even the prestige of that exalted body did not suffice to check the steady, determined rise of the opposition of the towns.

The beginnings of that opposition to the intrusion of the entregador, and the success of certain attempts to nullify his prestige by securing exemptions from his jurisdiction, were, in fact, quite

[1] *Cortes*, Toledo, 1538, pet. 85. *Cortes de Castilla*, v (adic.), pp. 599, 600 (1576): a protest against the hearing of appeals from the decisions of local judges by entregadores, even though the question involved was one dealing with sheep. The Royal Council had upheld the entregador in this. Arch. Mesta, Prov. i, 80, a decree of 1569.

[2] *Cortes de Castilla*, v (adic.), p. 580 (1576); ix, pp. 261–265 (1587); xiii, pp. 322–330 (1594); xvi, p. 677 (1598).

common in the earlier centuries of the Mesta's long history. In 1293 the Order of Calatrava secured such a privilege, by which its brood mares and their pastures were freed from any interference by the itinerant magistrates.[1] During the fourteenth century the towns of Buitrago, Plasencia, Cáceres,[2] Seville,[3] and many others were also favored with exemptions from entregador visitations in return for services or subsidies to the crown. The comparative docility of the Mesta in the later Middle Ages, and its readiness to respect the rights of the municipalities, caused a lapse of interest in these exemption privileges. It was not until the molestations and extortions by the entregadores in the second half of the sixteenth century that the southern and western landowners resurrected their ancient charters of exemption from the intrusions and abuses of their northern visitors.

It is interesting to note that Badajoz, the chief city of the western pasture lands, was the first to take drastic action in this anti-Mesta campaign. The fight was waged with bitter enmity, and was only to end some two centuries later with the complete triumph of the towns, under the leadership of Vicente Paino y Hurtado of Badajoz. The campaign opened in 1554 with a stormy reception accorded to an entregador in that city, which had thus far not been honored with such a visit. A description of the event is interesting because the incident was the first of many similar ones which illustrated the attitude of the public mind toward the migrants and their magistrate. The first outburst after years of smouldering hostility marked the beginning of a long period of active assaults on the entregador and the institution which he represented.

In the fall of 1554 there arrived in Badajoz an entregador, whose boldness in venturing into the long exempt capital of the

[1] Acad. Hist., Ms. Salazar, I–41, fols. 232–237.

[2] In Cáceres the entregador was checked by active participation of the local alcaldes in his court sessions. See above, p. 101, n. 2.

[3] Although the *audiencia* or high court of Seville was forbidden to interfere in any way with decisions of the entregadores (see below, p. 112, n. 2), the itinerant magistrates were seldom able to hold court within the jurisdiction of Seville. It was only by the use of decrees of the Royal Council (e.g., in 1488, Arch. Mesta, C–10, Cumbres Mayores, a suburb of Seville) that the Mesta was able occasionally to enforce its privileges in the Andalusian capital.

pasture districts was in itself the best proof of the growing arrogance of the Mesta and its judiciary. He was received, not by the usual ringing of church bells and the assembled dignitaries of the town government, but " with much fury and with most offensive words, by bailiffs and other town retainers bent upon ejecting him from the place." Being unable to accomplish this, " they took him to the public jail, surrounded by a great jeering crowd, which rained blows upon him and shouted ugly words at him, molesting him in many other ways unmentionable." [1] All of this was quite true, said the city in its reply to the charge brought by the Mesta before the Royal Council, and a repetition of the performance was cheerfully assured to any other entregador who might undertake a similar violation of the ancient privileges and exemptions of Badajoz. The whole incident was subsequently repeated in substance in other towns, though with less violence and more legal, but none the less stubborn, resistance.

Townspeople and officials were beginning to take courage and to rise against constant intrusions of the entregadores in local affairs. The chief alcalde of Burgos even insisted upon bringing suit against the entregador who visited that city, but was checked by the Royal Council.[2] The campaign of denunciation continued in the Cortes throughout the reign of Philip II. Protests were made against ' the thousands of retainers in the staffs of the entregadores, whose devastations totalled over a hundred million maravedis a year.' [3] The deputies asked that the local officials be given at least some powers in the regulation of this wholesale tax-gathering,[4] but no satisfactory reply was ever made to these demands. The statutes and the Mesta codes were not revised, probably because the excesses of the entregadores had not yet been given a legal basis. When, however, such a basis was given to them, in the reign of Philip IV, the towns had found other

[1] Arch. Mesta, B–1, Badajoz, 1554.

[2] Ibid., B–4, Burgos, 1567.

[3] *Cortes de Castilla*, xiii, p. 387 (1594). In 1587, the Cortes (ix, pp. 261–265) had asked that the powers of the entregador to name his bailiffs be restricted.

[4] *Ibid.*, xiv, pp. 446–455 (1596); i, p. 356 (1563): complaints that the Mesta's notaries deprived the local ones of much business in the court of the entregador. See also *Concordia de 1783*, ii, fols. 101, 204, 295.

means of circumventing the annoyances of the itinerant justices and no further protests were made.

One of the most insistent and repeated demands from the towns was that for the *residencia* of the entregador. This was the name applied to the reckoning which every public servant had to give of his official acts at the close of his term of office: an opportu ity for the presentation of complaints against him in the presence of a superior authority. In the charter of 1273, the entregadores had been instructed to attend at least one of the Mesta meetings each year to give an account of their actions and to answer complaints brought against them by the members.[1] This mandate was repeated with some emphasis in subsequent charters and in the agreement made in 1499 between the Count of Buendía, proprietary entregador, and the Mesta. By this contract of 1499 the entregadores were forbidden to leave the meeting place until the sessions were concluded and justice done to every complaining member.[2]

These arrangements were, however, only intended to provide for the hearing of charges by Mesta members against their judicial protectors. It was not until the anti-Mesta outbursts of the sixteenth century that the towns demanded hearings at which all complaints against entregadores might be presented. Beginning as early as 1528, there were regular petitions in the Cortes that the entregador be made to hold such hearings in the presence of the town alcalde of each place along his itinerary.[3] It was alleged, and probably correctly so, that the majority of the complaints against the Mesta's judge came from wayside peasants who had little or no opportunity to appear at the Mesta meetings in order to complain to the President of the Mesta, the general supervisor of the entregadores.[4] In 1595, after many futile petitions, the Cortes took matters into their own hands and elected one of their members who should attend the Mesta meetings each year, "in

[1] *Quad. 1731*, pt. 1, p. 4.

[2] *Ibid.*, pt. 2, p. 257.

[3] *Cortes*, Madrid, 1528, pet. 155; Segovia, 1532, pet. 54; Madrid, 1551, pet. 101. Further details on the *residencia* of the entregador are given in *Quad. 1731*, pt. 2, pp. 149, 153, 273, 292–293, and in the *Nov. Recop.*, lib. 7, tit. 27, ley 5, cap. 32.

[4] *Cortes de Castilla*, xiii, pp. 487, 504–506 (1595).

order to sustain the causes and charges of poor peasants, and to report to the Cortes immediately whether they are being given justice." [1] This practice of delegating an inspector to represent the national assembly and to protect the interests of the peasantry was continued from that date down to the abolition of the office of entregador in 1796. The Cortes were thus enabled not only to keep close watch upon the itinerant judges but also to exercise a most effective supervision over the enactments of the Mesta itself.[2]

As the attacks upon the Mesta became more aggressive, the distance from which an entregador could summon culprits and witnesses was also the subject of continued protest. In earlier years there seems to have been no fixed limit to the size of the entregador's *audiencia* or district around the point where he was holding court at any given time. There were complaints in the fourteenth century that he frequently summoned persons forty or fifty leagues. As a check upon such abuses of personal liberty, it was proposed by the Cortes that no one be required to leave the jurisdiction of his home town to answer the summons of an entregador. This was granted by the crown, with the qualification that citizens of larger municipalities (those having jurisdictions extending more than sixteen leagues) could be compelled by the entregadores to come as far as twenty-four leagues in answer to summons. In the cases of inhabitants of smaller towns, the entregador's subpoenas were not effective outside of the sixteen league radius.[3] This arrangement appears to have been satisfactorily carried out for nearly two centuries, for there were no further complaints either as to the location of the courts of the entregador, or as to the extent of his jurisdiction, until the outbreak of the widespread agitations of the sixteenth century.

In the course of those agitations, the opponents of the Mesta demanded that the entregadores should be allowed to hold court only in the chief cities along their itineraries. It had long been

[1] *Cortes de Castilla*, xiii, pp. 487, 504–507 (1505).

[2] *Concordia de 1783*, ii, fol. 26v. The delegate of the Cortes sat at the right of the President at all sessions of the Mesta, whether secret ones or not, and had access to all of its papers.

[3] *Cortes*, Soria, 1380, pet. 22.

evident that the opportunities to overawe the local officials and peasantry in a small country town were very tempting to the entregador and his numerous assistants, and therefore, dangerous to the ends of justice.[1] This particular reform was not secured, however, until it was introduced as one of the conditions of the subsidy of 1650.[2] As a further restriction, the extent of the jurisdiction of an entregador around the point where he was holding court was cut down to a radius of five leagues, and the Cortes were particularly watchful that this limit was not exceeded.[3]

The frequency of the visits of the entregadores to any one locality did not escape the attention of the sixteenth century reformers. The earlier appointments of the proprietary entregador were for life, and no limit was placed upon the number of visits made in a given period by his subordinates. The term of office of the latter was usually two years,[4] until the opening of the sixteenth century when it was reduced to one.[5] This remained the law until 1589, when it was determined that the four entregadores should be named every two years.[6] This matter of the period of the entregador's incumbency did not concern the towns so much as did the intervals of peace which they enjoyed between the visits of the Mesta judges. To the many denunciations of the entregador which have just been noted, there was added another regarding 'the almost perennial nature of that office, which had lost completely its proper intermittent or occasional activity at any given point.'[7] In view of this, it was asked that his visits to any one place be limited to once in six years. This was modified in the Cortes of 1531 by a plea for a four-year interval, which met with no satisfactory response from the crown at that time or at

[1] *Cortes*, Burgos, 1515, pet. 26; *Cortes de Castilla*, viii, p. 263 (1587).

[2] *Escrituras . . . de Millones* (1734), fol. 90. Arch. Mesta, B–3, Bitigudino, 1749, gives the details of a curious dispute between two towns, each of which insisted that the other was the larger and more important, and therefore the proper place for the court of the entregador.

[3] *Cortes de Castilla*, xix, pp. 232–234 (1600). Arch. Mesta, Prov. iii, 14 and 29, royal decrees of 1692 and 1722 confirming this. The same, iv, 7, gives the list of the twenty-six *audiencias* of entregadores; *Concordia de 1783*, ii, fols. 192–199, 201–203, gives similar data for 1761 and 1779.

[4] Arch. Mesta, B–1, Baeza, 1432.

[5] Arch. Ayunt. Cuenca, leg. 12, no. 5 (1509).

[6] *Concordia de 1783*, i, fol. 75 v.

[7] *Cortes*, Madrid, 1528, pet. 126.

any of its later repetitions. There does not appear to have been any effective reform of this difficulty, for there are numerous instances of annual visitations along the cañadas down to the last years of the office of entregador.

Indeed, the regular succession of evasive answers on the part of the crown to all of the above protests regarding the residencia and the frequency of visitations, and the other lesser complaints which were repeated over and over during the reigns of the first three Hapsburgs, leads one to ask why these complaints began to fall off during the first decade of the seventeenth century. The explanation is surely not to be found in the satisfaction given to the complainants by such replies as " the Royal Council will take up the matter with its senior member, the President of the Mesta," or " such action will be taken as seems necessary." The reports of the Cortes sessions of the time give indications, it is true, of various steps taken to adjust the differences between that body and the Mesta, such as the appointment of commissioners, investigators, and arbitrators to make the necessary reforms for the betterment of the relations between the towns and the migratory sheep owners. The most important force, however, which calmed the stormy protests of the local interests, the most effective agency for the adjustment of their complaints, was not the legislative power of the national assembly, but the appellate jurisdiction of the two high courts of justice, the chancillerías of Valladolid and Granada.

We have already observed how the centralizing policy of Ferdinand and Isabella had deprived the proprietary entregador of any appellate jurisdiction over his subordinates, and had made the crown and its well organized high courts, the chancillerías, the sole judicial superiors of the entregadores. This step was intended at the time to concentrate even further the control of the Mesta and its affairs in the hands of the central government. As a matter of fact it had precisely the opposite effect; it proved to be the first move toward the alienation of that control from the hands of the crown and the Royal Council. It meant the creation of a rival power, to which the opponents of the Mesta were later to turn in their search for an ally of sufficient prestige and authority

to check the obnoxious arrogance of the entregadores during the absolutism of the Hapsburgs.

The origin of the first of the two chancillerías, that at Valladolid, goes back to the appellate court, organized by Henry II in 1371, which John I made into a quarter-sessions court in 1387, with Madrid, Olmedo, Medina del Campo, and Alcalá de Henares as its itinerary.[1] It was the successor of this body, the chancillería, which became fixed at Valladolid, in 1442, was remodelled by the Catholic Kings in 1489, and came to be one of the two regular courts for appeals from the decisions of the entregadores. The companion court to this was the chancillería which was established at Ciudad Real in 1494 and transferred to Granada in 1505.[2] Although legally entitled 'audiencias' as well as 'chancillerías,' contemporaries usually designated these two by the latter title, in order to distinguish them from the lesser audiencias; which, though not subordinate to them, were smaller and partook more of a local nature.

In 1532 we find the first interest expressed by the Cortes in the reform of the methods of appeal from the decisions of entregadores. The deputies asked that cases involving less than six thousand maravedis be carried to the town assembly (*concejo*) of the place where the decision was rendered, instead of to the Royal

[1] See Merriman, *Spanish Empire*, i, pp. 230 f.; ii, pp. 121–124; and the scholarly "Investigaciones acerca del Origen, Historia, y Organización de la Real Chancillería de Valladolid," by Mendizábal, in the *Revista de Archivos, Bibliotecas, y Museos*, January–July, 1914. Brief notes are also given in Colmeiro, *Derecho Politico*, pp. 563–564; Antequera, *Hist. de la Legislación Española* (1895), p. 394; Sempere, *Derecho Español* (1894), pp. 390–398; Marichalar and Manrique, *Hist. de la Legislación*, iii, p. 329; Altamira, *Hist. de España*, ii (ed. of 1913), pp. 47–48. These citations cover the development of the Castilian audiencia and chancillería. The general topic of appeals in the Castilian judicial system is outlined from the codes in Asso and Manuel, *Instituciones del Derecho Civil de Castilla* (ed. of 1792), pp. 315–325.

[2] They divided the realm between them roughly at the Tagus, but as the different audiencias were created — Seville, Estremadura, Burgos, etc. — the chancillerías' jurisdictions were greatly cut down. The audiencia of Seville was not allowed to hear appeals from entregadores' decisions (*Quad. 1731*, pt. 2, p. 266, 1562); and on the other hand, practically all efforts of the entregadores to hear cases within the jurisdiction of the city of Seville were frustrated by the city officials. Arch. Mesta, A–6, Algarrobo, 1680; C–10, Cumbres, 1560; and Prov. iv, 23.

Council, or to the chancillerías, which were at that time well under the control of the monarch and his council. The crown treated this petition with the same impatience and disregard which characterized the royal replies to the many previous requests of the assembly for Mesta reforms.[1] By an interesting coincidence, the year after this attempt by the Cortes to thwart the chancillerías, namely 1533, brought the first decisions of a chancillería against an entregador and the Mesta. In that year the towns of Belalcázar and Fuerte Escusa (near Cuenca) won appeals in the chancillería at Granada, in cases involving the taxation of migratory flocks which violated local ordinances regarding trespasses in fields adjoining the cañadas.[2] A few years later, in 1546, the same court again rendered a decision hostile to the Mesta and its judiciary. On that occasion the chancellería supported a local officer, the subordinate of the corregidor in the town of Ávila, in his contention that the entregador had no right to interfere with him.[3] In the meantime, the city of Murcia had gained a chancillería verdict against an entregador, and the court at Valladolid had refused the Mesta and its judges permission to lay out a new cañada within the jurisdiction of Segovia.[4] Shortly before the accession of Philip II, there came another decision of the Granada court against the Mesta, but this was altered at a rehearing.[5]

The above instances are given as illustrations of a significant change which was just becoming noticeable in the attitude of the two chancillerías. Throughout the reign of Charles V these high courts were handing down six or seven decisions each year on

[1] *Cortes*, Segovia, 1532, pet. 53. This was repeated in 1537 (pet. 29) and in 1538 (pet. 81), with the same result. *Nov. Recop.*, lib. 7, tit. 27, ley 5, cap. 14, enforces this restriction of appeals from entregadores to the chancillerías, instead of to the local bodies.

[2] Arch. Osuna, Béjar, caj. 6, nos. 53, 59; and Arch. Mesta, F–2, Fuerte Escusa, 1533.

[3] Arch. Mesta, A–9, Ávila, 1546.

[4] Ibid., S–5, Segovia, 1537. This case is further interesting because it is one of the few occasions when the chancillería acts as a court of first instance instead of appeal. Others are to be found in C–2, Camarena, 1523; F–2, Fuente el Sauco, 1511; F–2, Fuerte Escusa, 1533; G–1, Granada, 1547; M–2, Majambrez (Toledo), 1543; T–4, Toro, 1524; and Z–1, Zaias, 1519–24.

[5] Arch. Mesta, A–7, Almodóvar, 1559: a case tried during 1555–56.

appeals from the sentences of entregadores. During the latter half of the reign — beginning about 1535 — this change in the attitude of the chancillerías gradually become apparent. Whereas the earlier decades of the century showed them to be quite subservient to the wishes of the crown and its council in favoring the Mesta by regularly upholding the sentences of the entregadores, none of the later years passed without one or two decisions which were either complete reversals of the sentences of entregadores, or else serious modifications of them. Year by year the rulings against the entregadores grew in number. By the opening of the reign of Philip II, it was becoming evident to the antagonists of the Mesta that a method had at last been found for securing a fair hearing of their cause.

The chancillerías, probably because of their isolation from the newly made capital,[1] became bolder each year in their refusal to abide by the expressed desires of the Royal Council that the ancient privileges of the Mesta and the increasingly arbitrary sentences of the entregadores be invariably upheld. We have here the beginning of the rivalry between these two elements of the government, the executive and the judiciary, the Council and the high courts — a rivalry which was to last nearly two centuries and was to take on many different forms.[2] This new alignment of forces was of the gravest importance for the Mesta, which was thenceforth to see the Council, its staunch ally and protector, checked and harassed at every turn by the new sponsor of local as contrasted with centralized interests. The court at Granada was the one to which most of the appeals from entregador decisions were carried by the towns, because its jurisdiction comprised most of the southern pasture lands.

The heavy costs of fighting an appeal against the elaborate legal machinery of the Mesta made the procedure impossible for any save the more important landowners, military orders, great nobles, cities, and ecclesiastical bodies. For the smaller villages there was at first no recourse from the molestations of the entre-

[1] Madrid was made the ' única corte ' in 1560.

[2] José Gómez Centurión, *Jovellanos y las órdenes Militares* (1912), pp. 28–32, points out other phases of this rivalry.

gadores. The increased activity of these magistrates, however, at last impelled the weaker opponents of the Mesta to concerted action. Before the reign of Philip II was half over, we find them occasionally forming alliances for the purpose of carrying appeals through the chancillerías. As many as forty-five or fifty towns sometimes joined forces to defend the pasture lands used in common by them. Counsel was engaged and cases were fought out successfully in the high courts. Had these temporary unions possessed that solid, permanent basis so characteristic of the Aragonese comunidades, to which in some respects they were strikingly similar, the history of the Mesta and its entregadores would probably have been a much shorter and less conspicuous one.[1] Unfortunately, however, the Castilian towns, accustomed though they were to their *hermandades* or brotherhoods for the maintenance of order, were nevertheless quite ignorant of the possible advantages of any economic leagues, save in a few isolated instances. The contrast between the two kingdoms in this regard is explained in part by the relatively stronger position of the cities in the Aragonese political machinery.

As the chancillerías persisted in their intentions to give the landowners at least a fair hearing, the Royal Council found it increasingly necessary to act in behalf of the Mesta and the entregador. As early as 1550 the Council had deemed it necessary to warn these two courts that they were not empowered to hear cases concerning perpetual leases of pasture lands. A few years later, in 1561 and 1563, two more decrees were issued forbidding the chancillerías to hear appeals from entregador decisions in cases involving pasturage.[2]

The two high courts had become bolder in their aggressive attitude toward the entregadores, and had begun to go beyond the mere reversal of the decisions of the Mesta judges. They frequently issued injunctions commanding the itinerant magistrates not to hear cases in certain towns and upon certain subjects. Repetitions of such mandates brought forth two angry decrees from Madrid in 1569, ordering the courts at Valladolid and

[1] See above, p. 99.

[2] *Quad. 1731*, pt. 1, pp. 124–125: pt. 2, p. 242.

Granada to keep to the functions assigned them and not to interfere with the management of such purely administrative affairs as those of the Mesta.[1]

The now thoroughly independent attitude of the courts soon found expression in even more aggressive steps, such as the exercise of jurisdiction over appeals from decrees of the President of the Mesta. The latter innovation brought forth a vehement protest from the crown against this "gross interference with the purely executive powers of the Royal Council's senior member."[2] In 1577 the Council made an unsuccessful attempt to curb the court at Granada by ordering it to refrain from tampering with any entregador's decision involving such administrative functions of the Council as the regulation of pasturage and of sheep highways.[3] Two years later came another decree which forbade the courts to interfere with the entregadores in the hearing of cases on the extension of arable lands.[4]

It is hardly necessary to follow further the details of the struggle. By the time that the troubled reign of Philip II had come to a close in 1598, every decision handed down by the high courts at Valladolid and Granada regarding the Mesta showed the bitterest hostility toward the entregadores. The whole episode is of especial interest as an illustration of the strength of popular government in Castile in an age of supposedly triumphant autocracy. The Cortes and the chancillerías were defending the ancient rights of the Castilian third estate — the townsmen and the rural population — in the face of the institutions of absolutism — the Mesta and its corps of entregadores.

[1] Arch. Mesta, V–1, Valladolid, 1569; G–1, Granada, 1569.

[2] Ibid., Granada, 1572.

[3] Ibid., 1577.

[4] Ibid., 1579. Some of the above decrees are printed in the *Ordenanzas de la . . . Chancillería de Granada* (1601) and *Recopilación de las Ordenanzas de la Chancillería de Valladolid* (1765). See also *Nov. Recop.*, lib. 7, tit. 27, ley 5, caps. 22, 27.

CHAPTER VII

DECLINE OF THE ENTREGADOR

Hostility of the Cortes in the seventeenth century. Appeals to the chancillerías. Inefficacy of royal aid to the Mesta. Collapse of the entregador system in the eighteenth century.

THE Mesta, working through its President and the Royal Council, continued its attempts to hold back the steadily rising tide of opposition. These efforts, continued through the first decades of the seventeenth century, were all centred around one object, the maintenance of the ancient traditions of the judicial and administrative supremacy of the crown and its Council, especially in matters concerning the Mesta.

The crown itself, to which the sheep owners had been so largely indebted for their great privileges in times past, had degenerated almost to impotence. The impecunious later Hapsburgs were quite as ready to dicker with the opponents of the Mesta for subsidies, as they were to bargain for 'loans' from a scarcely solvent organization whose chief asset in such bartering was its protestation of past loyalty to the crown. In 1602, by a fundamental revision of the entregador commissions, the king's share in the profits of that office was greatly increased. This was obviously an effort on the part of the Mesta to secure a revival of its old favors from the crown. Even more was it intended to give warning of the losses which the royal exchequer would suffer if the rapidly increasing opposition to the Mesta in the Cortes and the chancillerías was not stopped.

This measure of 1602 was the first of a long series of increasingly frantic endeavors on the part of the Mesta to secure, by royal favors, a continuance of the dominant position which it had long enjoyed under its ancient but now quite antiquated privileges.[1] The dire financial straits of the crown made it a willing

[1] The confusion of this question of the distribution of the profits from the office of entregador was finally cleared up, after considerable legislation, by the *acuerdos* (resolutions) of the Mesta in 1637 and 1644, by which the king was given one-third

ally, though a far from effective one. Judged by the formal Mesta privileges of the time, the first third of the seventeenth century was the zenith of that organization's power, with the climax reached in the sweeping concession of 1633.[1] The mass of material, however, introduced in the sixteenth-century litigations cited above, gives ample evidence that the prestige of the Mesta and its entregadores was on the wane long before the death of Philip II in 1598. The attempts of the crown after that time to revive the Mesta's power as an asset to the country, and particularly to the royal treasury, were more and more obviously selfish efforts to gain immediate profits regardless of any ultimate improvement in the welfare of the realm.

The Cortes, ever eloquent in the interest of the towns and of the scattered landowning classes,[2] became steadily stronger in their contest with the Mesta and its judges. In 1600 they began the practice of appointing committees to investigate charges brought against individual entregadores. The deputies thus took over a function which had long since been the acknowledged right of the President of the Mesta and his associates in the Royal Council.[3] This was followed up by more elaborate arrangements for the supervision and control of the meetings of the Mesta through highly paid and specially commissioned delegates, who were named by the Cortes shortly before each meeting of the sheep owners. These appointees made full reports and recommendations to the national assembly at each session of that body.[4]

of all such profits. Within a few years this had become a fixed sum, which, with other royal incomes from the Mesta, amounted to about 1,700,000 maravedis annually. The Mesta received the remaining two-thirds, which it shared, in the case of penalties for enclosures, with the entregadores. Those officers had been receiving a fixed salary of 500 ducats a year, during the latter part of the sixteenth century, as a substitute for the irregular income from shares in many fines. In 1688 this figure was cut to 300 ducats, but was raised to 400 two years later, at which it was kept until the abolition of the office in 1796. *Quad. 1731*, pt. 2, p. 288; *Nov. Recop.*, lib. 7, tit. 27, ley 5, cap. 32.

[1] Usually bound with the 1639 edition of the Mesta laws; see below, p. 413.

[2] The procuradores, or deputies, from Soria and Segovia usually defended the cause of the Mesta in the Cortes debates.

[3] *Cortes de Castilla*, xix, p. 561 (1600); xxvii, p. 241 (1612); xxxiii, p. 215 (1619).

[4] *Ibid.*, xix, pp. 121, 525, 537, 659 (1600); xx, pp. 157, 264, 377, 547 (1602).

The rigors of this campaign drew frequent protestations of innocence from the Mesta, and pleas that its entregadores be allowed to perform their ancient duties in protecting the welfare of the herdsmen, which had always been the first need of this, the greatest industry of the country.[1] Its bid for crown favors with the new grants to the royal exchequer from entregadores' profits, introduced in 1602, had secured a few liberal renewals of the old privileges, the most extreme being that of 1633. However, these concessions were only powerful on paper, whereas the Cortes, though sadly lacking in constructive ability, were thoroughly active, and awake to their own power to overturn.

The determined hostility of the deputies, which was displayed in the debates on the question of Mesta reform, and the proposals which the Cortes were entertaining for the drastic investigation of that body and its affairs, so startled the sheep owners that they held no meetings in 1603. This was the only gap in the long series of Mesta sessions for over three centuries.[2] A few years later the Cortes sent to Simancas for certain documents bearing on the Mesta,[3] and, shortly afterward, shrewd attorneys of the herdsmen secured a writ from the Royal Council and the king, authorizing the transfer of all documents in the archives at Simancas dealing with the Mesta to the latter's own collection.[4] Here they were carefully guarded for three hundred years, untouched save for purposes of litigation in defence of the ancient privileges of the herdsmen.

Another aspect of the aggressive intentions of the Cortes toward the Mesta was revealed when the former refused to grant concessions to the pastoral industry except in exchange for modifications of the subsidies to be paid to the crown by the cities of the realm. Such subsidies were to be voted only in conjunction

[1] *Cortes de Castilla*, xx, pp. 615–616 (1602).

[2] Arch. Mesta, Acuerdos and Cuentas (1604).

[3] *Cortes de Castilla*, xxiii, p. 456 (1607).

[4] The titles of the documents removed at that time fill seventeen manuscript volumes, now in the Mesta archive, and comprise about three thousand items. This accounts for the fact that, with the exception of a small collection of documents on taxes, there are less than half a dozen manuscripts now at Simancas which deal at any length with the Mesta.

with stipulated restrictions on the Mesta. A series of conferences was begun, in 1602, between commissioners representing the Cortes and the sheep owners, to agree upon the agrarian reforms which were to be embodied in the *condiciones de millones*. Under those conditions the Cortes gave its consent to an extraordinary subsidy of eighteen million ducats to the crown.[1] Practically the only references to the Mesta in the Cortes debates from that date onward were in connection with this subsidy or later ones of the same type. During the later Middle Ages the Castilian Cortes had by no means so effective a control over the crown through its powers over the purse strings as did the Aragonese parliament.[2] Under the enfeebled monarchy of the later Hapsburgs, however, the ability of the Castilian deputies to exact desired reforms as conditions for subsidies is well illustrated by the sad experience of the Mesta. The conditions of the grants of *millones* were fully discussed and reported upon by a board of arbitrators and commissioners named by both sides. To this body the Mesta sent frequent petitions, characterized by the same humility which marked all of its communications to the Cortes at this time.[3]

At the first of these conferences, in 1602, the representatives of the Cortes made it plain that they proposed to secure every possible curtailment of such powers as still remained to the entregadores. The same policy was pursued at each of the succeeding conferences in 1607, 1611, 1620, and after.[4] As a result the Mesta

[1] *Cortes de Castilla*, xxi, pp. 45–48; see *Escrituras, acuerdos, administraciones, y suplicas de los servicios de veinte y quatro millones* (Madrid, 1734), which contains *condiciones* attached to various *millones* voted during the seventeenth century. Cf. *Quad. 1731*, pt. 1, pp. 239 ff. Cos-Gayon, in his article on the Mesta in the *Revista de España*, ix, p. 358, erroneously describes the *millones* as being in *reales*, instead of *ducados*; cf. Gallardo, *Rentas Reales*, i, p. 47. The *millones* were first voted in the Cortes of 1588, as a source of revenue for the equipment of the Invincible Armada. They were usually granted at six-year intervals, and the funds were raised by taxes on such staples as oil, vinegar, meat, wine, etc. An excellent unpublished history of the *millones* by Antonio de Castro exists in the Acad. Hist., Ms. Salazar 41, no. 7 (*ca.* 1656).

[2] Cf. R. B. Merriman, "The Cortes of the Spanish Kingdoms in the Later Middle Ages," in the *American Historical Review*, April, 1911, p. 489.

[3] *Cortes de Castilla*, xxii, pp. 26–32, 54–56, 69, 76, 95 (1603); xxiii, pp. 514–515, 524 (1607); xxiv, pp. 284, 785–789 (1608); xxv, pp. 42, 51–55, 660 (1609–10).

[4] *Escrituras, acuerdos . . . de Millones*, fols. 34–44.

representatives were forced to sit meekly by and endorse what amounted to the complete emasculation of their nearly impotent itinerant justices. Without the Cortes' vote of the millones the crown was in dire straits; and without the crown's effective assistance, the Mesta was helpless. The Cortes thus adroitly secured the upper hand by its control of the subsidy, and it proceeded at once to dismantle the last antiquated bits of the entregador's armor. Any attempt on his part to hold court outside a few specified places was to be punished by a fine of 20,000 maravedis. He was to hear no cases involving enclosures, except in a few unimportant instances. If he assessed costs of litigation in any case when the Mesta was the plaintiff, he was to lose his office. As a final blow he was forbidden to retain any part of such fines as he might levy — a measure which, of course, obliterated practically all of his income. The *condiciones de millones* thus inaugurated the first formal obsequies for the prestige of the entregador.

In the meantime, in its regular sessions, the Cortes calmly took it upon themselves to determine what salary the entregador should be paid, how large a staff he should have, and other details regarding the regulation of the office.[1] In 1608 the legislature voted that the sedentary flocks (*estantes*) were in no way to be subject to or affected by entregador decisions.[2] Petitions from the Mesta, asking that the entregadores be at least partially relieved from the vexations of local officials, were at first dismissed by the Cortes with the reply that they 'saw no reason why such a request should be made.'[3] Later it was agreed that the royal corregidor in a given district should hold court jointly with the entregador. This insured a measure of protection to the Mesta against local officers, for the corregidores were chosen by the central government for their intelligence and legal training, which often proved useful to the entregadores in the interpretation of local fueros and ordinances.[4] At the same time careful

[1] *Cortes de Castilla*, xxv, pp. 47–55 (1609).

[2] Cárdenas, *Propiedad territorial* (Madrid, 1873–75, 2 vols.), ii, p. 277.

[3] *Cortes de Castilla*, xxv, p. 47; xxviii, pp. 396–398 (1615).

[4] *Ibid.*, xxxii, p. 195 (1618). See above, p. 84, on the coöperation between corregidor and entregador as early as 1488. These were all steps which led ulti-

provision was made by the Cortes that no corregidor should regard this as a pretext for visiting any given locality in his district more than once a year to make investigations of the administration of justice or to levy penalties.[1]

A striking feature of the documents of this period is the willingness shown by the Mesta to go more than half way to meet the Cortes in the work of reform. This attitude was very different from that of two generations before; it was, in fact, expressive of the change which had been wrought in the standing and influence of that body.[2] Occasionally the Cortes were checked by the crown when the proposed reform seemed too drastic. This occurred when the suggestion was made by some deputies that the *residencia* or examination of a retiring entregador be held by one of the openly hostile high appellate courts at Granada and Valladolid. The king and his Council were able to persuade the legislators to retain the practice of residencia by the President of the Mesta accompanied by a delegate of the Cortes.[3]

The nobles, clergy, and other great landowners had already been participating actively in the concerted attack upon the entregador. In 1634 the powerful Duke of Infantazgo had been given full assurance by the President of the Mesta that the entregadores would have due respect for the ancient exemptions which forbade the Mesta judges to enter the towns under the Duke's suzerainty.[4] Furthermore, the large migratory herds of certain ecclesiastical bodies had occasionally been given privileges which were distinct from and in opposition to those enjoyed by the Mesta.[5] The archbishopric of Toledo, for example, had long regarded its flocks and pastures as superior to the laws of the Mesta, but was compelled to submit to that body during

mately to the substitution of the corregidores for the entregadores when the latter were abolished in 1796.

[1] British Museum, T. 91 * (4); decree of 15 Sept., 1618; see also Massachusetts State Library, *Catalogue of the Laws of Foreign Countries* (Boston, 1911), p. 278.

[2] *Cortes de Castilla*, xxvi, pp. 4, 21 (1610); xxviii, pp. 267, 380 (1615).

[3] *Ibid.*, xxviii, p. 193 (1615).

[4] Arch. Osuna, Infantazgo, caj. 2, no. 18. Earlier evidence of a similar nature is found in the same archive, Belalcázar, caj. 5, nos. 29, 32, and 33 (1456).

[5] *Cortes*, Cordova, 1455, pet. 13. A few monastic orders had regular membership in the Mesta, notably the monastery of San Lorenzo at the Escorial.

the latter's golden age under the first Hapsburgs. In 1540 the Royal Council had ordered the cardinal-primate of Toledo to withdraw the excommunication and censures which he had imposed upon an entregador who had been opening certain lands of the archbishopric to the Mesta flocks. The pressure of the autocracy had brought the primate to accede; but in the early seventeenth century, when the attacks of the Cortes were proving so successful, all of the great ecclesiastical landowners joined in the movement against the Mesta and shared in the triumph over that body.[1] The attitude of the church toward the Mesta and its judiciary soon took on a more aggressive tone. By 1640 the herdsmen were appealing to their staunch protector, the Royal Council, to aid them in stopping the inroads which were being made upon the jurisdiction of the entregadores by ecclesiastical judges. The only response to these appeals, however, was a timid warning to the bishop of Ávila that certain of his subordinates had no right to hear cases involving Mesta pasturage privileges, even though the pastures involved were the property of his cathedral.[2] At about the same time the entregadores visiting the vicinity of Salamanca found their jurisdiction greatly curtailed by mandates issued " by authority of the *maestro de escuela* and other ecclesiastical judges of the university and of the cathedral " of that city,[3] who enforced their decrees by the excommunication of any entregador disobeying them. The Mesta appealed again and again to the Council to check this ' atrocity '; but the decree of 1644, which was intended to accomplish that purpose, did not have any permanent effect.[4] The impotence of the entregadores at this time was quite as noticeable in their relations with the titled and ecclesiastical landowners as it was in their dealings with the towns and their defenders, the Cortes and the chancillerías.

As the seventeenth century wore on, the two chancillerías remained firm in their support of the local interests as opposed to

[1] Arch. Mesta, T–2, Toledo, 1540 ff. [2] Ibid., A–9, Ávila, 1640.

[3] Ibid., S–1, Salamanca, 1668.

[4] Arch. Mesta, Prov. ii, 32: " Para que los provisores, vicarios, y demas jueces ecclesiasticos se inhivan del conocimiento de ciertas causas tratadas por los entregadores."

the Mesta, and no appeal from the sentence of an entregador was brought before either of them without the assurance of fair and probably favorable consideration. If the sentence was not actually reversed it was greatly modified, the usual form being "that the defendant stands convicted as found by the entregador, but the penalty is withdrawn." By this simple expedient the sting was deftly removed from the once dreaded decrees of the itinerant magistrates, who soon heard the ridiculing jibes of every peasant landholder along their once absolute domain.

Another typical activity of the chancillerías, during the crucial decades at the opening of the seventeenth century, was the recognition of all forms of exemptions from the visitations of entregadores. Some were based on ancient privileges, as we have seen above. Others had been recently purchased from the sovereign, whose sore financial straits made such transactions common at that time.[1] Still others had as their foundation the fact that no entregador had visited the locality in question for many decades,[2] or that the lord of the town in question had been granted such an exemption from entregador visitations in another section of his domain.[3] These exemptions sometimes covered only the harvest months, or applied to certain districts, which sought to be relieved of entregador fines in order to use their funds for such laudable objects as building churches or maintaining militia companies. The latter was a prevalent excuse for exemptions during the Portuguese wars of 1640 and following.[4]

The Mesta protested that these temporary or limited curtailments of the entregador's activities tended inevitably to become permanent and more extensive. Nevertheless, the crown was forced by its need of funds to continue granting them; the friends of the Mesta on the Royal Council went through the forms of withholding them; and the recipients forthwith put them into

[1] Arch. Mesta., B–4, Bureba, 1648, and Arch. Hist. Nac., Consejo Castilla, leg. 48, Benavente, 1664.

[2] Arch. Mesta, Alcalá de Henares, 1617: the recognition of such an exemption by the court at Valladolid.

[3] Arch. Osuna, Béjar, caj. 56, no. 16 (1627).

[4] Arch. Mesta, Prov. ii, 37.

effect against the entregadores regardless of Mesta or Council.[1] It mattered not how dubious the basis for such an exemption might be; the high courts were always ready to concede the benefit of the doubt to the agrarian petitioners, unfairly so in some instances, perhaps, but thoroughly in keeping with the tendency of the times. However essential to the country the great sheep owners' organization may have been in the past, it had outlived its usefulness, and all Castile was rapidly coming to realize that fact.

The aggressive steps taken by the chancillerías against the entregadores steadily continued. About a score of decisions were handed down each year restricting the activities of these now thoroughly discredited magistrates. The bitter denunciation of this situation in 1631 by Leruela, a retired entregador, is indicative of the despair of the Mesta: "The chancillerías are taking all business pertaining to the Mesta as a huge joke; its cases are passed upon and the sentences of entregadores reversed without consulting any part of the documents submitted except the rubric."[2]

The sweeping decree of 1633, the last and most reactionary confirmation of the antiquated claims of the Mesta, was inspired largely by the hope of checking the chancillerías. By this measure the Royal Council wished to impede the steadily growing prestige of its adversaries, particularly in the matter of their hearing cases involving pasturage leases, a question which it had long regarded as being reserved to its own jurisdiction.[3] This and

[1] In 1646 the Council attempted to cancel one of the most important of these local exemptions from entregador visitations, namely that long enjoyed by Seville. The vehement protest of that city, whose control of the trade with the Indies proved a powerful lever against the Council, soon brought a reconsideration of this action.

[2] Miguel Caxa de Leruela, *Restauración de la Abundancia de España* (Madrid, 1632), p. 192. The author was an entregador from 1623 to 1625; and this classic defence of the Mesta as the chief basis of Spanish prosperity was the result of his observations during that service. His later experience as an official in Naples, where the first edition of his work appeared in 1631, gave him much material for a comparative study of the problems arising from the migratory pastoral industry in the two countries.

[3] See below, pp. 339–340; also *Concordia de 1783*, i, fol. 70. In 1595 the Royal Council had been made the court of last appeal in all cases of *despojo de posesión*: the ejection of a Mesta member from a pasture in violation of the ancient privilege

other decrees of the Council and the unbroken flow of plaintive protests from the Mesta had, however, no permanent effect against the popularly indorsed campaign of the chancillerías. In 1629 they upheld the town alcaldes of Belalcázar in an important test case against an entregador. The high court forbade the latter to try gypsies and other wandering miscreants of uncertain domicile, whose thefts of cattle and sheep had been acknowledged without question hitherto as bringing them under the jurisdiction of the entregadores.[1] Petitions of the Mesta to the Cortes, asking that the entregadores be empowered to expel gypsies from the country, were sarcastically denied, with the implication that the towns were quite able to take over one more of the functions of the enfeebled itinerant magistrates.[2]

The last important attempt by the Royal Council to obstruct the complete triumph of the chancillerías over the Mesta and its judges came in 1677. In that year the maximum entregador's sentence from which there could be no appeal to the higher courts was raised by the Council from 1000 maravedis to 3000.[3] This mandate, like so many of its predecessors, was received at Valladolid and Granada with expressions of profound respect and of implicit obedience, and then calmly ignored.

Whether we ascribe the success of the two high courts in frustrating and discrediting the Mesta and its entregadores to popular support, to the triumph of the ancient Spanish separatism over the decadent Hapsburg centralization, or to the characteristic maladministration of otherwise excellent laws, the fact remains that those courts did accomplish their object. The reform movement of Charles III and Campomanes in the succeeding century was occupied, so far as the entregador was concerned, only with the disposal of the last relics of a few perfunctory powers exercised by that dignitary.

of *posesión* or right of perpetual tenancy in lands once occupied by the Mesta. This jurisdiction of the Council, as opposed to the chancillerías, was confirmed in 1603, 1609, 1633, and 1640.

[1] Arch. Osuna, Béjar, caj. 16, nos. 16, 22, and 25. See also above, p. 89, n. 2, on the marauders known as *golfines*.

[2] *Cortes de Castilla*, xxviii, p. 396 (1615).

[3] Arch. Mesta, Prov. iii, 3.

Before we take up the details of those last rites of the entregador, there remain for brief discussion a few points concerning the President of the Mesta and his duties as superintendent of the entregadores. After the Mesta had purchased the control of the entregadorships in 1568, the President of the sheep owners' organization had exercised a general supervision over its itinerant judges. He issued instructions to them, fixed their routes, heard the complaints presented against them at the Mesta meetings, and in general brought them more directly under the control of the sheep owners.[1] These functions had given his associates on the Royal Council, to whom he regularly reported, an increased interest in the welfare of the entregador. We have already observed how this interest had found ample opportunity for expression in the long struggle between the Council and the chancillerías during the latter part of the sixteenth century. In a similar manner the Presidency of the Mesta under the seventeenth-century Hapsburgs brought the Royal Council to the side of the Mesta during the struggles of the latter with the Cortes. In fact, the President of the Mesta was frequently delegated to represent that body and also the Royal Council in the arbitration conferences with deputies of the national assembly.[2] This close alliance of the Mesta with the highest political officials of the realm proved to be of little avail to the herdsmen; nor was the Mesta the only party of the alliance to suffer a loss of power. The Council likewise felt the rapacity of the chancillerías, notably when the latter proceeded to try cases involving the lands of the old military orders, in spite of the fact that such cases had always been handled by the *Consejo de las Órdenes*, a body closely allied with the Council. The decrees of the Council and of the President of the Mesta [3] sternly forbade such transgressions, but the chancillerías

[1] Occasionally the entregadores refused to be guided by the wishes of the Mesta; cf. Arch. Mesta, C–4, Caracena, 1752: a notable case in 1522 when the Mesta was unable to induce an entregador to accept its recommendations.

[2] Ibid., Prov. i, 87 (1593). The gradual emergence of the President as the dominant force in the Mesta during this period prepared the way for the coup by Campomanes, when, in his capacity as senior member of Charles's Council, he succeeded to the presidency of the Mesta. From this vantage point he directed the investigations of that body which practically put it out of existence in 1783.

[3] Ibid., A–6, Almodóvar, 1615; and A–6, Almagro, 1616.

calmly disregarded all threats and extended their jurisdiction whenever and wherever they chose. In a similar manner they ignored the long standing and well recognized functions of the council of the royal exchequer, which was another branch of the Royal Council.[1] The President of the Mesta frequently called upon his fellow councillors for aid in the protection of the entregadores against such systematic transgressions.[2] These appeals were, however, of no avail, for the high courts and the towns easily found means of securing the desired restrictions upon the Mesta and its judiciary. This happened most frequently during and after the Portuguese wars, when the crown found it expedient to be liberal with exemptions from the entregador's visitations.[3]

The activity of the chancillerías continued unabated. "In spite of the oft repeated decrees of the Council and the protests of the President," complained the Mesta, in 1694, "the courts at Valladolid and Granada continue to harass the ancient assembly of sheep owners by nullifying the sentences of their protecting entregadores."[4] The exasperated President was even able at times to rouse his associates of the Royal Council to such outbursts as "the local alcaldes are to obey the entregadores in all matters,"[5] or "the chancillerías' rulings in no way affect the entregadores."[6] The efforts of President and Council, however, were alike futile.

The Mesta was being reduced steadily to further extremities. Early in the reign of Charles II it began to have recourse to the help of another organization, which was closely allied to the Royal

[1] Arch. Mesta, B–2, Benadalid, 1628.

[2] Ibid., Prov. i, 105 (1621); C–4, Carcabuey, 1639.

[3] Ibid., Prov. ii, 37 (1647); 41 (1652); 12 (1654); 53 (1655); B–4, Bureba, 1648; C–2, Calahorra, 1650; A–8, Arnedo, 1650. Prov. iv, 30, is a document of forty-five manuscript folios, dated 1763, in which is given an exhaustive review of local exemptions from Mesta laws and entregador's visitations in all parts of Castile, with special reference to those granted in the seventeenth century. By it the Mesta and its President, under whose direction the data for the document were gathered, attempted to prove the widespread violations of its privileges through the unlawful extension and perpetuation of these exemptions.

[4] Ibid., Prov. iii, 17.

[5] Ibid., B–1, Ballecas, 1683.

[6] Ibid., Prov. iii, 21 (1699). The decrees immediately following this one are liberally sprinkled with many such outbursts.

Council, namely the *Sala de Mil y Quinientas*. This was a special court of last appeal, which had jurisdiction over matters of gravest importance. Its distinctive feature was the deposit of "mil y quinientas (1500) *doblas de oro cabeza*" [1] which was made by the appellant as evidence of the good faith of his appeal. The sum was forfeited in the event of an adverse decision. The origins of this court go back to the famous 'law of Segovia' of 1390, by which John I decreed that "in cases which are very grave or of serious importance, parties who wish to ask for a rehearing shall give security to the amount of 1500 *doblas*, which shall be forfeited if the appeal is found groundless." [2] Mendez de Silva and other authorities have accepted this as the origin of the *Sala de Mil y Quinientas*.[3] Whether the Sala was organized at that early period or not until the edicts of 1502, 1532, and 1565, is not important for our present purpose. The significant point is, that although this high court had been open to the Mesta for many decades, the latter did not turn to it until the darkest days of its long history. The value of the lands involved in the litigations between the sheep owners and the cities, bishoprics, and military orders was frequently large enough to warrant appeals to the Sala. However, it was not until every other haven had proved of no avail against the stormy attacks of the Cortes, the chancillerías, and the other defenders of the towns, that the Mesta finally turned to this court as the last and highest sanctuary to protect the dignity of its entregadores.

The earliest important edict of the Sala concerning the Mesta was issued in 1642. It confirmed with considerable emphasis the sentence of an entregador regarding the right of access of the herdsmen to certain lands in the bishopric of Cuenca.[4] During the succeeding generation the Mesta did not appeal again to the Sala, but intrusted its forlorn hopes to the Royal Council. Un-

[1] This kind of *dobla* was valued at 51 *reales*, which would make the total deposit equal to about 19,500 francs. Cf. Pedro de Cantos Benitez, *Escrutinio de Maravedises y Monedas de Oro Antiguas* (Madrid, 1763), cap. 15, no. 20.

[2] *Nueva Recop.*, lib. 4, tit. 20, ley 1.

[3] *Catálogo Real y Genealógico* (Madrid, 1656), fol. 112. See also Escolano de Arrieta, *Práctica del Consejo Real* (Madrid, 1796), ii, p. 111.

[4] Arch. Mesta, C–10, Cuenca, 1647.

fortunately for the herdsmen, that body was quite helpless, as has already been noted. Finally, in 1670 a new device was tried; the Council ordered the Chancillería at Valladolid to hand over immediately to the Sala all important cases pending on appeals from entregador decisions.[1] The Valladolid court quietly ignored this mandate and several similar ones which were issued at regular intervals during the next two decades. It would have required much more pressure than was then at the disposal of the Royal Council, or, for that matter, of any institution in Castile, to compel the chancillerías to relinquish their jurisdiction over appeals from cases tried by entregadores.

The attorneys of the Mesta were able to bring a few cases up to the Sala; and this newly found protector gave the sorely tried sheep owners almost the only comfort they had had for many decades. In 1675, for example, there was jubilant elation among the herdsmen after the Sala had handed down an important pasturage decision in favor of the Mesta and against the corregidor of the city of León.[2] Similar decisions followed, which renewed the almost abandoned hopes of the Mesta for a revival of its ancient strength and inspired it with a new confidence in the efficacy of the Royal Council and the Sala. As a result of these new aspirations seven decrees were issued by the Council in the period 1677–1719. These edicts were intended to strengthen the jurisdiction of the Sala over cases involving the Mesta and its judges and to place every possible hindrance in the way of the high courts at Granada and Valladolid.[3] It was stipulated that there should be no appeal from entregador sentences involving less than 3000 maravedis. Should the disputed claims be in excess of that amount, the Mesta was given the privilege of appealing directly to the Sala without the intercession of the chancillerías. The latter were to be eliminated at all costs; but these costs were proving to be very heavy. The burdens of continuous litigation in every high court of the land were too much for the decrepit old organization. The Mesta accounts for 1684 show a

[1] Arch. Mesta V–1, Valladolid, 1670.
[2] *Concordia de 1783*, ii, fol. 171.
[3] *Ibid.*, ii, fols. 173 v–180.

deficit for the first time in nearly two hundred years; for over a century the annual net profits had varied from fifteen to thirty million maravedis, but in the year mentioned the treasury was over seven millions in arrears.[1] This was the lowest point in the financial history of the Mesta during the three centuries covered by its extant accounts. Its corps of attorneys at Valladolid was discontinued and that at Granada diminished because of the futility of fighting cases there. Such humiliation was bitter indeed for an institution which had been so intimately associated with the proud sovereigns of Castile for four hundred years.

The effective work of the chancillerías against the Mesta and its judiciary continued relentlessly. For eight years, 1708–16, the entregadores did not hold court at all, and the consequent loss of income from fines brought the feeble exchequer of the Mesta to lower and lower depths of insolvency. The crown, however, suffered a corresponding loss, for it had received a third of the yield from the sentences of the itinerant nagistrates. In order to regain this for the royal treasury, which was hopelessly depleted after the war of the Spanish Succession, the entregadores were commanded in 1716 to renew activities and to see that the income of the new Bourbon monarchy was not stinted because of moderate fines. Encouraged by this and by assurances of further support from the Royal Council, the Mesta renewed its demands that "the long recognized rights of the entregadores be reaffirmed, and that they be given full and final jurisdiction directly under the Sala, to the exclusion of all local judges on the one hand, and all chancillerías, audiencias, and provincial courts on the other."[2] Thanks to the sore financial straits of Philip V and Ferdinand VI, the entregadores were given vigorous support and encouragement by the crown and its officials, and the result was a temporary increase in the amounts annually turned in by them.[3] Fortified by

[1] Arch. Mesta, Cuentas, 1510–1836 (17 large folio volumes and portfolios).

[2] Brit. Mus., Ms. 1321 k6 (*ca.* 1732); a similar declaration in Arch. Mesta, Prov. iii, 29 (1722).

[3] The totals of their sentences rose steadily during these reigns to about six million maravedis a year, but began to fall off as soon as the drastic investigations were started by Charles III. Cf. Arch. Mesta, Cuentas, 1717–81, *passim*.

further decrees issued by the Council in 1746, 1751, and 1752,[1] the entregadores were able for a time to bid defiance to the chancillerías, but their day of reckoning was not far off.

The accession of Charles III in 1759 opened the final chapter in the history of the entregador. The Neapolitan reign of that enlightened monarch had given him ample experience in handling the perplexing problems arising from the conflicts of a large-scale migratory pastoral industry with agricultural and local interests. On coming to Castile, he found the Mesta weakened after two centuries of strenuous hostilities, but with its itinerant judiciary still intrenched behind its ancient privileges, which his unprincipled predecessors had just been rehabilitating.

The mainstay of the Mesta had ever been the crown and its Council, the one the creator and the other the unfailing protector of the entregador. The indispensable prerequisite of the whole system of such a highly organized migratory institution was the superiority of the centralized national authority over the separate local units, whether provinces, towns, or individuals. Therein lay the explanation of the supremacy of the Mesta under the aegis of the early Hapsburg absolutism. By a curious anomaly, this very reliance upon the crown was destined to bring about the downfall of the entregador and the complete disruption of the Mesta. That organization now found itself in the hands of a monarch, who, though not at first openly hostile to it, was quite ready to give a full hearing to its opponents, a favor which no previous sovereign had ever dreamed of granting. Even more distressing to the Mesta was the discovery that after he had given this hearing, and had become convinced of the grave need for reform, the king was quite willing to forgo the immediate profits which he received from entregador fines and to work unselfishly for the ultimate good of the agrarian interests of the country.[2]

[1] *Varios Decretos . . . mandados agregar á las Ordenanzas de la Chancilleria de Valladolid* (1765), p. 134; *Concordia de 1783*, ii, fols. 178v–179; Arch. Mesta, B–3, Biloria, 1751–83. None of these documents is given in Matías Brieva, *Colección de Órdenes pertenecientes al Ramo de la Mesta* (1828), the official and supposedly complete compilation of all Mesta documents of importance for the period 1731–1828.

[2] The agrarian policy of Charles III has been carefully examined by Rudolf Leonhard, *Agrarpolitik und Agrarreform in Spanien unter Carl III.* (Munich, 1909).

The details of this final campaign against the Mesta need not concern us. We may only observe that it falls into two parts: the exhaustive preliminary charges by the province of Estremadura, which comprised the chief southern and western pasture lands; and the subsequent hearing of both sides of the case before Campomanes, the great reform minister.[1] In the course of these proceedings, which covered some twenty years, every important point in the long and varied career of the Mesta was touched upon. Most attention, however, was devoted to the question of pasturage — public lands, enclosures, and commons. The entregador, though frequently discussed in the citations of historical evidence, came in for less mention because he was by that time only a figurehead. A large part of the attention given to him was spent in the examination of the innumerable cases of systematized bribery of entregadores by towns. The widespread evidence of this organized backmail was used by the prosecution as one of its most effective arguments to prove the utter inefficacy of the itinerant magistrates as officers of justice.[2] In the final polemic of the the prosecution, the reform leaders took the same view of the entregador as did Acevedo, the great jurist,[3] who had maintained that the Mesta judiciary was "an enemy of the towns," an opponent of that ancient heritage of every entity of Spanish population — be it village, city, province, or kingdom — namely, its independence from outside interference in the management of its local affairs.

This procedure under Charles III was, strictly speaking, not a trial of the Mesta. It was simply an exhaustive hearing of the whole agrarian problem, a summing up of the centuries of discord, accusations, denials, and evidence. The real object of the investigation was not to pass formal sentence upon the Mesta, but rather to discredit that institution in all its functions, including its system of itinerant judges, before the eyes of the nation. Campomanes felt that the most effective method of accomplishing the desired reforms was to subject the actions of the Mesta and the

[1] See below, p. 414, for the titles of the published results of these proceedings.

[2] *Concordia de 1783*, ii, fols. 234–282.

[3] See edition of the *Nueva Recop.* (1612), lib. 3, tit. 14, ley 3.

obsolete character of its privileges to the greatest possible publicity; subsequent events proved the wisdom of his judgment.[1] Fundamentally, his view coincided with that of Acevedo just cited, namely that *vecinos* or townspeople had exclusive right to enclose common land and to administer justice within their town limits as against any intruders such as the migratory herds or itinerant justices. This reservation of local matters for local officers had been the keynote of the long struggles against the entregadores in the chancillerías and the Cortes. We have already seen how the Mesta had been gradually forced to give way before this pressure of particularism or separatism. In each set of instructions sent out to the entregadores by the President, notably those of 1757, 1779, and 1782, there was further recognition of the precedence of local interests over those of the sheep owners.[2] These preliminaries led inevitably to the last step, the abolition of the office of entregador by the decree of August 29, 1796, and the distribution of its functions among various officials, chiefly the corregidores.[3]

Campomanes reflected the intelligent opinion of his times regarding the Mesta and its judiciary in his summary of the charges made by Estremadura against the sheep owners in 1764.[4] In this document he pointed out the analogy between the rights and privileges granted in the twelfth century by grateful Castilian monarchs to the Christian conquerors of that province, and the similar privileges given out some four centuries later in the *repartimientos* of the new world conquistadores.. The sixteenth-century pioneers, many of whom were Estremadurans, such as Cortes and Pizarro, had, like their mediaeval ancestors, received certain liberties in recognition of their services as conquerors for their lord the king, and as warriors of their faith against heresy and heathenism.[5] These liberties took the form of a large measure

[1] The copy of the *Concordia de 1783* in the Bibliothèque de Sainte-Geneviève in Paris (Department des Manuscrits) has two interesting pages of manuscript notes in a contemporary hand, giving data from the French ambassador at Madrid regarding Campomanes' purposes in conducting this investigation.

[2] *Concordia de 1783*, ii, fols. 38 v, 183 v–189, 222.

[3] *Nov. Recop.*, lib. 7, tit. 27, ley 11 (43 caps.).

[4] *Expediente de 1771*, pt. 2 (Respuestas de los Fiscales), fols. 40 ff.

[5] *Ibid.*, pt. 2, fol. 45 v.

of autonomy and independence from outside interference, as was usually the case with all frontier and border settlements. This cherished heritage of the settlers in the reconquered lands of old Spain and in the conquered empires overseas was incorporated in all of their fueros and other charters. It was against this ancient and highly prized prerogative that the Mesta and the entregadores waged their long and, for them, disastrous campaign. The migratory pastoral industry may have been inevitable because of geographic and climatic conditions in the peninsula; but politically the whole force of tradition was set against it. No more convincing evidence of this could be cited than that which is revealed in the history of the alcalde entregador.

PART III

TAXATION

CHAPTER VIII

SHEEP TAXES IN THE MEDITERRANEAN REGION

Significance of sheep dues as a pre-feudal tax on movable property. Town or local sheep taxes in North Africa, Provence, the Pyrenees, Aragon, Valencia, Navarre, and Portugal. Royal or state sheep taxes in southern Italy, Aragon, Valencia, and Navarre.

To the herdsman the nomad flocks were a means of livelihood; to the sheep owner they meant an income; and similarly to the government of the towns and of the nation, they represented a legitimate object of taxation, and — all too frequently — of ruthless extortion. The assets of the wandering herdsman were quite visible; and, friendless stranger that he was, the temptation to make him pay heavily for his 'privileges' and 'trespasses' can readily be understood. At first the coming of the migrants aroused among the wayside communities the hostile query, "How can we prevent or hinder the devastating intrusions of these unwelcome strangers?" But as the migrations continued from generation to generation in spite of heavy fines and restrictions, the attitude of local and later of national officials became rather, "How can we capitalize the fiscal possibilities of this ebb and flow of movable property past our city gates?"

A survey of the experience of various Mediterranean peoples with the taxation of migratory flocks brings to light two aspects of the question. First, there was the problem of town or local finance, which involved the ancient social conflict between the wandering herdsman and the sedentary husbandman, and the assessment of penal dues upon the former for his supposed transgressions against the latter. Secondly, in point both of origin and of importance, there was the question of national finance, the rise of a central power and its efforts to secure much needed revenues from the migratory flocks. It should be made clear at once, however, that these two fiscal aspects of the industry were not sharply separated from each other either chronologically or in subject matter. Although an attempt will be made below to

examine the two separately, this should not be taken as an indication that local sheep taxes were common during one period of pastoral history, and national imposts during another. In fact, there was never a period throughout the long annals of sheep migrations when we do not find friction between the herdsmen and the towns, with its invariable accompaniment of fines, penalties, and taxes. The second or national phase of this topic emerges from the local taxation of the industry with the growth of a strong central power, which, finding the towns reaping financial advantage from penalties on the wandering flocks, soon devised a method of accomplishing the same result for its own benefit.

The struggles between royal and local officials over the judicial matters of the industry have already been discussed. The subject of the sheep taxes, though analogous to the judicial question in that it too deals with national and local elements, is nevertheless distinctive in that it presents not a struggle between the two, but a development, a growth of one out of the other.

Whether we consider the crude form of the Algerian migratory pastoral industry, or the much more intricate organization of the Roman flocks in southern Italy, there appears the same striking fact of certain financial obligations of the herdsmen to the landowners. This feature is found in the earliest evidences of the industry in the countries where it can best be studied: Italy, North Africa, southern France, and the Spanish kingdoms.[1] In each of these areas the first indications of annual sheep migrations show the towns undertaking to assess damages and penalties upon the intruders on their commons. Then too, there were frequent violations of local laws by the strangers, trespasses on forbidden pastures, and illicit passage over toll bridges. These and many other points gave the local officers ample opportunity to exact fees, dues, and taxes from the passing herdsmen.[2]

[1] There are ample evidences of the existence of this form of sheep industry in Roumania, Scotland, Switzerland, Chile, and elsewhere (O. Densusianu, *Pastoritul la Popoarele Romanice*, Bucharest, 1913; Duke of Argyll, *Scotland as it was and as it is*, Edinburgh, 1887, 2 vols., i, pp. 255 ff.; *Geographical Review* (New York), Oct., 1918, pp. 370–371); but the materials upon the fiscal aspects of the question in those countries are very meagre.

[2] The taxation of the herdsmen and their products when they appeared in the

The significance of this question of local sheep taxes lies not only in its importance in the fiscal history of the industry itself. More especially to be noted is the evidence given upon the antiquity of the taxation of movable property in Mediterranean countries. The prevalence of such taxation long before any feudal land taxes contradicts the commonly accepted opinion, which had held that such feudal dues were the predecessors of assessments upon movable and personal property.[1] The taxation of migratory live stock — in every sense a movable property — was by no means a mediaeval device created to supplement inadequate and antiquated feudal dues. The appearance of such pastoral taxes came wherever and whenever the industry itself occurred — in the Roman Empire, in Visigothic Spain, in the Algerian hinterland, in mediaeval Provence, in present-day Chile — quite regardless of any precedents in the form of feudal taxation. This fact qualifies considerably the usual assertion that taxes on movables were introduced only with the growing inadequacy of the old feudal land taxes. In southern Italy, for example, the earliest evidence of the taxation of migratory sheep occurs with the first indications of the industry itself, namely in the days of Julius Caesar and his immediate successors. The public officials of that region have continued to collect such taxes from the early days of the Roman Empire down to the present day, with scarcely an interruption. It is true that there were countries, such as Catalonia, where the growth of migratory sheep raising, and the consequent increase of revenue from it, aided the government in dispensing with the old feudal aids. This fact, however, does not modify the above conclusion as to the relative positions of these two forms of taxes.

The appearance of migratory flocks in the Mediterranean countries brought on, as an inevitable consequence, the perennial struggle between pastoral and agrarian interests. This hostility

local markets will be taken up later, in the examination of the efforts of the towns to restrict any outside or nationalizing influence upon local affairs. This takes up the important question of the growth of the national market as opposed to the local one.

[1] William Cunningham, *Growth of English Industry and Commerce* (4th ed., Cambridge, England, 1905–07, 3 vols.), i, p. 152.

naturally took the form of penalties levied by the latter for trespasses and transgressions by the former. At first the object of these assessments was purely punitive; but constant repetition of the offences, and the persistence of the sheep owners in their visits, led to the gradual hardening of a once elastic schedule of penalties into a fixed rate of tolls and dues.

The primitive economy of the present day North African tribes affords an illustration of the nature of this change from fines to fees, as it very probably took place in the early stages of the industry in other and economically more advanced areas. In the pastoral hinterland of Algeria and Tunis the local chieftains still exact from the migrating flocks a toll of one sheep for every hundred, which is collected "partly as a penalty for intrusion, and partly as a guarantee against other fines." [1] This point of view regarding sheep dues was representative of the primitive period when the punitive object of sheep tolls was still conspicuous. It is interesting to note, however, that the oldest source materials on this subject, namely those from southern Italy during the early Roman Empire, reveal a more advanced development of the fiscal aspect of the industry than that in present day Algeria. In other words, although the Italian flocks of classical times were being fined and penalized by the towns to a limited extent, nevertheless the financial obligations of the herdsmen had gone beyond that stage, since they were being assessed primarily by the central government for purposes of imperial revenue. The traditional hostility between local interests and nomadic sheep owners still found expression in the fines and penalties collected along the Apulian highways; nevertheless, the organization of the industry for state protection and state taxation was its conspicuous feature.[2]

An excellent illustration of the local taxation of migratory flocks is found in the pastoral history of southern France and the Pyrenees. The sheep industry of these regions was without any such carefully planned organization as that in southern Italy. In Provence and the uplands of the Pyrenees the fiscal aspects of

[1] Bernard and Lacroix, *L'évolution du nomadisme en Algérie* (Paris, 1906), p. 56.
[2] See below, pp. 254 ff.

the industry involved simply the question of local dues levied upon the passing herds by the town officials. There probably was some sort of primitive organization among the sheep owners, which was for the sole purpose of protection against unjust exactions by the towns. It lacked altogether that element of facilitating taxation by national or royal authorities which was so conspicuous in Italy.

In Provence the annual march was made over the *carraires*, or special highways, with some rudimentary agreement among the herdsmen for coöperation against aggressive local officials along the way.[1] In the neighborhood of Arles, this custom of defensive agreements dates back at least to the thirteenth century, and quite probably to a much earlier period. In fact, it has been suggested that the sheep highways of southern France, which antedate the Roman roads in that region, were maintained and used primarily because of the need for concerted movements by the flocks to frustrate the overzealous town bailiffs.[2] This is a theory not without foundation, and one which is strikingly similar to that advanced by some Spanish scholars to explain the origin and purposes of the cañadas, the Castilian sheep routes.[3] With regard to the fiscal obligations incurred on their highways by the Provençal shepherds, there are no evidences of taxes being paid by them to any but local officials. No higher fiscal agents molested the migrants, though there may have been a tribute or 'gift' paid in 1232 to Raymond Berenger IV, count of Provence, for guaranteeing to the Arlesian herdsmen a free passage across the country to their summer pasturage without the payment of certain unjust local dues (*pasquerages*, *péages*). If this payment was an annual one thereafter, it might be taken as the beginning of some centralized influence or control over the fiscal matters of the industry. There is, however, no direct evidence of this practice; on the contrary, the documents on Provençal pastoral life

[1] Fournier, "Les chemins du transhumance en Provence et Dauphiné," in *Bulletin de géographie historique et descriptive*, 1900, pp. 237–262; Remacle, in *Revue de Paris*, 1898, p. 843.

[2] Comte de Villeneuve, *Statistique du département des Bouches-du-Rhone*, iii, p. 642.

[3] See pp. 18–20.

of the thirteenth century and after give exclusive attention to tolls and dues paid to the towns, with no direct mention of tax collectors for superior authorities, save for certain temporary forced loans and exactions by the overlords of the region toward the close of the Middle Ages. Chief among these municipal sheep taxes of mediaeval Provence was the *pulvérage*, which is frequently mentioned in the old account books of the *bailes* or chief herdsmen.[1] It was not abolished until 1766, after it had gradually drifted out of the hands of the local officials and into the control of the provincial and national authorities.

The local taxes upon migrating flocks in southern France covered many different purposes: punishment for trespasses upon cultivated or enclosed lands, tolls for crossing bridges, fees for protection against marauders, dues for the use of the town commons or of stubble. Occasionally these exactions were paid in kind, as for instance in the Couserans district on the slopes of the Pyrenees, where tolls in cheese were regularly collected from the passing shepherds.[2] The assessment sometimes was accompanied by a stipulation that the herds should fertilize the arable land of the town by travelling about over various fields during their sojourn in a given jurisdiction, and by being folded in different places at night.[3]

The isolation of the valleys of the Pyrenees lends interest to the pastoral history of that area. Just as those highland communities evolved peculiar political institutions — ' republics ' and ' confederations ' — inspired by unusual local conditions and ideas, so too in the regulation of the sheep migrations there was developed a purely local, almost primitive, economy, with practices and procedures unaffected by external influences. In this respect, therefore, the pastoral institutions of the Pyrenees differ

[1] Fournier, *op. cit.*, pp. 241–242, citing references to the archives of Arles.

[2] Cabannes, " Les chemins de transhumance dans le Couserans," in *Bull. géog. hist. et descrip.*, 1899, p. 200. The payment of dues in cheese by sheep owners was also common in Spain; cf. the bounties on wolf scalps paid in Madrid in 1495 out of an assessment of one cheese on every fifty head of sheep in the district. Palacio, *Docs. Arch. Madrid*, iii, p. 405.

[3] Chevalier, " La transhumance dans les vallées d'Andorre," in *Revue des Pyrénées*, 1906, pp. 604–618; Amalbert, *Le Mouton Arlésienne* (Montpellier, 1898).

from those in most other Mediterranean regions. The latter were guided to a large extent by the experiences of their neighbors. Southern Italy influenced Castile; the Spanish kingdoms looked to each other for suggestions in dealing with the common problems; but the Pyrenean pasturage lands were remote, and the practices which became common in the relations between these isolated landowners and herdsmen were often unique.

Agreements were frequently made between the people of the different valleys of the Pyrenees regarding pasture rights and the dues to be paid by their respective flocks while on their annual migrations. The conception of these mountains as a barrier between France and Spain dates only from the comparatively recent times of rapid transit. From the thirteenth century down to the eighteenth there are numerous evidences of the unifying influence of these mountain valleys upon the people of the two slopes.[1] The chief factor in these relations was the migratory pastoral industry. One of the invariable stipulations in the inter-valley agreements was that regarding the tolls to be levied upon the flocks when on the march. Trespass in forbidden pasturage, especially in fields enclosed for town purposes, was punished by a fine called *carnal* or *carnau*. The right to collect this penalty was carefully guarded as one of the chief privileges of the valley peoples. Their agreements of the twelfth, thirteenth, and fourteenth centuries carefully specify the amounts to be levied and the procedure to be followed in the collection, so as to protect the given communities against the possible claims of any outside overlord.

This practice was temporarily interrupted, however, when the strong hand of sixteenth-century French royalty intervened in these inter-valley pastoral agreements. The high tariffs of Louis XII on imports of Spanish wool and sheep played havoc

[1] Cavaillès, "Une fédération pyrénéenne sous l'ancien régime," in the *Revue historique*, CV, pp. 1–34, 241–276 (1910): an exhaustive study of the political and economic ties between southern France and northern Spain by way of the Pyrenean valleys. See also Bladé in *Bull. géog. hist et descrip.*, 1892, pp. 301–315; and in the *Revue des Pyrénées*, 1894, no. 5; Fabre, *L'Exode du montagnard et la transhumance en France* (Lyons, 1909). A significant geographic factor in the Pyrenean migrations is the uniformly north and south direction of these valleys, which naturally encouraged communication between the two adjoining countries.

with the reciprocity conventions of the mountain people. The latter promptly asserted the 'ancient highland liberties,' and drew up a new federation, the *passerie du plan d'Arrem* of 1513, which successfully bade defiance to any national interference with local fiscal agreements. This episode is an instance of the difficulties encountered by the migrating flocks when their routes lay across tariff boundaries. We shall later have occasion to examine the troubles of the Mesta in the fifteenth century and after, when its members took their flocks into Aragon, Navarre, and Portugal. The more fortunate situation of the Castilian organization as a powerful ally of royalty enabled it to circumvent any national customs barriers. In this respect the Mesta was even more effective than was the loosely organized pastoral industry of the Pyrenees in its conflict with the kings of France.

In spite of national restrictions, these mountain communities continued to observe certain mutual obligations in the form of payments for the use of each other's pastures. These dues tended, of course, to become fixed customary payments, which had been more or less standardized by various inter-valley treaties of the period from 1314 to 1390.[1] An interesting present day survival of these ancient dues is found in the tribute still paid by the herdsmen of Béarn who migrate each year into Navarre. Their stay is limited by agreement to twenty-eight days, beginning on a specified date, during which time they enjoy certain pasturage and water rights upon payment of an annual tribute of three two-year-old heifers.

The fiscal history of the migratory pastoral industry of Aragon presents illustrations of both phases of this subject, namely taxation by local as well as by royal authorities. The antagonism between the agrarian and the pastoral interests was made more acute in that kingdom by the strong organization of the contending parties: on the one hand, the *comunidades* or leagues of the towns in the pasturage districts, and on the other, the royally

[1] Cavaillès, *op. cit.*, pp. 12–24. The extent of the migrations of French sheep into Spain is shown by the provisions of the *Ordenanzas de la Comunidad de Daroca* (Saragossa, 1741), pp. 26–27, which date back to 1270, 1336, and 1441–45, and regulated the movements of "French, Gascon, Basque, and foreign" herdsmen, who came down the Ebro valley and wintered in southern Aragon.

indorsed *Casa de Ganaderos*, or 'house of the stock owners' of Saragossa. Because of this feature, it is more difficult to isolate the original taxes, namely the strictly local fines and penalties collected from the wandering flocks. That there were such local dues, and that they not only preceded but far outweighed in importance the royal ones, cannot be doubted. It is true that the strong kingship of certain Aragonese sovereigns asserted itself in the creation of royal taxes upon the flocks, as will be shown later; but it is none the less true that the predominant feature of pastoral taxation in that kingdom was the assessment of ancient tolls by the towns and private landowners.

Convincing evidence of the prevalence of these local taxes is to be found in the restrictions imposed by various royal charters upon the collection of such exactions. For example, the crown guaranteed to certain groups of migrating sheep owners, notably those of Saragossa, a free passageway throughout the realm, unhampered by any local dues. The earliest of these privileges, that of 1129, declared that the flocks of Saragossa were not to pay any of the fees usually levied upon passing sheep;[1] especially were they exempt from the *lezda* or *portazgo*, a tax assessed by the towns upon goods carried by the migrants to the local markets for sale.[2] This exemption of the flocks of Saragossa in the shape of local taxes was renewed and enlarged by the later royal charters of the Casa, notably by those of 1208, 1229, 1300, 1339, 1440, and 1494.[3] By these documents the migrants of Saragossa were as-

[1] A petition from the Casa de Ganaderos to the viceroy of Aragon, 1607 (12 pp., 1672, n. t. p.), beginning "Excellentissimo domino locumtenienti . . .," gives the texts of this document of 1129, and other charters, now in the archives of the Casa in Saragossa.

[2] *Ibid.*: "Quod non donetis lezdas tota mea terra, nisi ad illos portus sicut iam ante fuit praesum et taliatum inter me et vos per tali conditione. . . ." Other local taxes were similarly mentioned. Yanguas, *Dicc. Ant. Nav.*, ii, pp. 200–201, gives details on the *lezda* in Navarre. See below, p. 158, n. 3. Cf. Lopez de Ayala, *Impuestos en León y Castilla* (Madrid, 1896), p. 651. The *Ordinaciones de la Ciudad de Çaragoça* of 1122 (ed. Manuel Mora y Gaudó, Saragossa, 1908), i, p. 283, cite a similar exemption from payment of the *lezda* granted to the Mozarabs of the city.

[3] The texts of these are found in Arch. Casa Ganaderos, Saragossa, leg. privilegios, nos. 3, 4, and 5; leg. Ms. v, no. 1; leg. Ms. x, no. 45; Bib. Nac. Madrid, Ms. 8702, fols. 33–36; *Ordinaciones de la Casa y Cofadria de Ganaderos de Çaragoça* (eds. of 1640 and 1661). By these charters certain town taxes levied at Epila,

sured an unhindered right of way across the unoccupied lands of all towns along their accustomed routes. Legitimate damage claims of landowners were to be paid, but the town officials were not to collect any tolls from passing flocks which enjoyed a brief rest on the town commons.

In spite of the sweeping assurances of these exemptions, the sheep owners were compelled to recognize the long established right of many localities to collect certain dues. This is made evident by certain ordinances of the Saragossan Casa instructing the members to report all cases of payment to town officers for the use of *montes blancos y communes* (unoccupied and common woodlands), so that ' any unjust exactions might be prosecuted.' [1] Under no circumstances was any member of the Casa to make an agreement with a town as to any sheep dues to be paid by him. Such individual bargaining broke down the efficacy of the organization and was " the cause of great inconvenience to the city of Saragossa, to this Casa and its members." [2] This strict insistence upon unified action was the result of much experience with the strong *comunidades*, or town leagues of the pasturage districts. There were four of these associations, with headquarters at Daroca, Teruel, Calatayud, and Albarracín, respectively. They were able to impose heavy penalties upon trespassing herdsmen, though the latter were consoled by the assurances of their Casa, which stood ready to "reimburse members to the extent of all damages, costs, and losses resulting from any excessive fines for the use of commons." With the rise in power of the Casa during the sixteenth century, these penalties were graded down and stabilized as regular and mutually recognized tolls.[3]

The most important of these local sheep taxes in Aragon was the *montaticum* or *montazgo*, which will be discussed in detail

Alcañiz, Teruel, and various points in Valencia are specified as illegal, but the constant repetition of this in successive documents indicates the inefficacy of the prohibition.

[1] *Ibid.* (ed. of 1640), pp. 50–51. [2] *Ibid.*, p. 52.

[3] Instances of these tolls and of local ordinances regulating the passage of sheep through the town lands in charge of a local guide are to be found in the *Ordenanzas de la Junta de Govierno y Pueblos de la Comunidad de Calatayud* (1751), pp. 41–42, and in the *Ordenanzas reales de la Comunidad de Daroca* (1741), p. 27. These regulations date back to 1270 and 1336.

below.[1] For the present we may note that it was the ancient penalty used by the towns to punish intruders in the local *montes* or wooded commons. The montazgo was much older and more widespread than any royal or national tax on migratory sheep; references to it occur in the earliest mediaeval ordinances of nearly every inland town in the peninsula. Curiously enough, the existence of this tax in Aragon has apparently been quite unknown to the acknowledged authorities on the economic history of that kingdom,[2] though there is an instance of it in that region, probably as the equivalent of the French tax *montagium* or *montage*, as early as the ninth century.[3] The common assumption on this subject has been that the Castilian montazgo was the same as the Aragonese *carnerage*.[4] This is quite inaccurate; in fact the only characteristic in common between these two taxes was that they were both paid by migrating shepherds. The montazgo in Castile, as in all other parts of the peninsula, was always a local penalty for trespass, whereas the *carnerage*, a tax seldom found outside of Aragon, was a royal toll collected, as will be shown later, purely for revenue purposes. If a counterpart of the Aragonese carnerage is sought in Castile, it can be found in the *servicio y montazgo*. The carnerage corresponds exactly to the latter, which should be carefully distinguished from the ordinary montazgo just described. The montazgo in Aragon, as elsewhere, was a penalty levied by town officers for trespasses on the town commons. Its proceeds were turned over entirely to the local treasury.[5]

[1] See below, pp. 163 ff. *Montes* were not forests, but rolling country with scattered trees. *Bosques* were the more densely wooded areas. In the eighteenth century the term montazgo was also applied, especially in the forested north coast provinces, to certain parts of the trees used for naval construction. This was, however, only a provincialism. Cf. Jordana, *Voces Forestales*, p. 178.

[2] Asso, *Historia de la Economía Política de Aragon* (Saragossa, 1798); Lopez de Ayala *op. cit.*; Colmeiro.

[3] Ducange, *Glossarium*, *s.v. montaticum*, citing a document of about the year 880.

[4] Asso, *op. cit.*, p. 480; Lopez de Ayala *op. cit.*, p. 650; Colmeiro, i, p. 492.

[5] Ducange, *l. c.*, besides giving the illustration for *ca.* 880, referred to above, which is from the Spanish March, cites another for the year 1164 of the Spanish era, from a charter issued by Alfonso the Emperor. Similar cases are found in the fuero of Teruel, dated 1176 (*Forum Turolii*, ed. F. Aznar y Navarro, Saragossa, 1905, tit. 477), and in the ordinances of Daroca, cited above, p. 36. The laws of

In Valencia, as in Aragon, we find the montazgos and other local taxes which antedate the Reconquest and give evidence of the migration of sheep from the towns of Christian Aragon into Moorish Valencia.[1] Using these ancient local taxes as models, James the Conqueror created in 1245 a system of royal sheep tolls.[2] Thus he introduced the second or national stage of the fiscal history of this industry. This did not mean, however, that local sheep taxes thereupon disappeared in Valencia; on the contrary, they were continued in spite of all efforts of the crown to interfere with them.[3] With the coming of the strong monarchy of the sixteenth century the royal sheep taxes were extended in Valencia as they were in the other kingdoms of the peninsula. The gradual spread of economic and political disintegration gave the zealous town officials their opportunity; they proceeded to take full advantage of the distress and impotence of the higher authorities in Valencia, and bought up or preëmpted the royal dues.[4] In this manner the fiscal interest of the central government in the pastoral industry of Valencia was largely eliminated, and the tax obligations of the sheep owners reverted to their primitive form of local penalties upon the intruding sheep.

The inviting and accessible upland grazing ground of Navarre made that kingdom a favorite summer rendezvous for Castilian

Albarracín of 1234 specify that "if any strange sheep come into the town pastures, they are to be fined with the montazgo and expelled without injury. This montazgo belongs to the townspeople" (Acad. Hist., Traggia Colec., Ms. vi, fol. 11). Later ordinances of Albarracín renewed this provision; cf. *Suma de Fueros de las Ciudades de Santa Maria de Albarrazín y de Teruel* (Valencia, 1531), fol. viii; *Insaculación y Ordinaciones de la Ciudad de S. M. de Albarràzín* (Saragossa, 1655) pp. 82–83, and the same (Saragossa, 1666), p. 86.

[1] *Ordinaciones de la Mesta de Albarrazín* (Saragossa, 1740) outline the organization of a typical Mesta or sheep owners' gild of one of the towns whose flocks moved down into Valencia each year. These ordinances give the usual details as to the ancient montazgos.

[2] Vicente Branchat, *Tratado de los Derechos y Regalías que corresponden al Real Patrimonio en el Reyno de Valencia* (Valencia, 1784–86, 3 vols.) i, pp. 217 ff.

[3] As, for example, when James I created new town commons, or *boalares*, on which sheep might pasture free from all taxes, local or royal (Branchat, *op. cit.*, i, p. 211); or when James II, in 1320, undertook to exempt various Aragonese herdsmen from Valencian town taxes (Arch. Corona Arag., Escrituras Jayme II, reg. 184 ff., 245–246).

[4] Branchat, *op. cit.*, i, p. 228: documents of 1630 and 1658.

and Aragonese flocks. In spite of this opportunity for rich harvests in tolls and taxes, the Navarrese were unusually liberal and friendly toward their visitors. The ancient fueros, or codes, of the kingdom provided that " strange sheep which pass a town are to be given a place to rest one or two nights if necessary, and the town is not to charge for this service." [1] Later legislation confirmed this attitude. Access to the mountain pastures of Andia, Encia, and Urbassa was not to be hampered by tolls levied along the way.[2] In case of damages, migratory flocks were to be assessed exactly as though they were natives, " since the sheep of Navarre go into Aragon and Castile quite as much as those of the latter kingdoms visit their neighbors." [3] The earliest records show only royal taxes on the flocks, probably because the Bárdenas region, where most of the migrants congregated each year and where the annual meeting of the owners was held,[4] had from time immemorial been part of the royal demesne. If any records should be found antedating the crown's control of that region, they will undoubtedly show the same local taxes and penalties which appeared in the early experience of other peoples with this problem. The only evidences of local sheep taxes in Navarre are found toward the close of the Middle Ages, when they appeared in the usual form of schedules of damage charges for trespassing.[5] During the early part of the modern era this local share of the taxation levied on the wandering herds was gradually increased at the expense of the ancient royal sheep dues. As will be pointed out later, the taxes levied by the central government were in course of time bought up by the towns in or near which they were collected, and in their stead a fixed annual tribute was paid by the local authorities to the crown. This process, which began during the period 1400–1450, was at its height during the financial em-

[1] *Fueros del Reyno de Navarra* (Pamplona, 1815), lib. 6, tit. 1, cap. 6.

[2] *Nov. Recop. Nav.*, ii, p. 129 (1580), lib. 2, tit. 4, leyes 40–41.

[3] *Ibid.*, i, pp. 701, 705 (1565, 1585), lib. 1, tit. 17, leyes 19, 26; ii, p. 134 (1608), lib. 2, tit. 4, ley 47.

[4] Compare the annual Mesta meetings in Estremadura, cited above, p. 50.

[5] *Nov. Recop. Nav.*, ii, pp. 691–695, lib. 4, tit. 5, leyes 1–4 (1547 ff.). Alonso, *Recop. de fueros y leyes de Navarra* (Madrid, 1848, 2 vols.), ii, p. 359, describes the tolls collected in mediaeval Navarre for guides supplied to the passing flocks by the towns.

barrassment of the Spanish crown in the seventeenth century, when one city after another bought up the royal taxes levied near its gates or on its migratory herds.[1] The Cortes made several futile attempts, notably in 1678, to check this wholesale disposal of the royal income, but to no avail. By 1755 the great Bárdenas region yielded no further revenue to the crown, all of it having been alienated to the towns during the preceding centuries.[2] We have, therefore, in Navarre, as in Valencia, a completion of the cycle: the elimination of royal sheep taxes and the restoration of the old original condition of widespread local tolls and penalties which prevailed at the beginnings of the industry.

One more illustration from another part of the peninsula will suffice to round out and conclude this summary of the local taxation of migrating flocks in countries adjoining Castile. In Portugal, as in the regions discussed above, there was an ancient sheep tax or penalty levied by the towns as one of their exclusive privileges. A royal charter of 1166 stipulated that " all who stopped over in Elbora (Evora ?) with their sheep, should pay a *montadigo* of four head from every flock." [3] In 1518, the town officers of Villa Nova de Gaia, near Oporto, resolved that " in accordance with ancient custom, there shall be collected from all strange cattle visiting the town's jurisdiction a *montadgo*, because this land was given originally for the use of the townspeople and their animals." [4]

We may briefly summarize, then, the experience of these countries with the question of local taxes on migratory sheep. First, these taxes afford early evidence of the ancient conflict between the agrarian and pastoral elements of society. Secondly, they were originally intended as penalties, not as sources of revenue,

[1] Yanguas, *op. cit.*, i, pp. 94–95, gives a list of these transactions during the period indicated, with the prices paid by the towns in each case.

[2] *Ibid.*, ii, p. 671. Alonso, *op. cit.*, ii, p. 286, cites the unimportant *pontage* as the only sheep tax remaining to the crown in the time of Charles III (1759–88).

[3] *Portugaliae Monumenta Historica*, Leges et Consuetudines, i, p. 392. Many other instances of the *montaticum* in the twelfth and thirteenth centuries occur in this collection. See also Ducange, *Glossarium*, *s.v. montaticum* (Alcaçonas, near Evora, *saec.* xii).

[4] *Foraes de Villa Nova de Gaya* (Porto, 1823), p. 31.

though they tended to assume the latter character as time went on. Thirdly, they continued without interruption, in spite of the subsequent development of the fiscal relations between the crown and the industry; and in two instances, in Valencia and Navarre, there occurred a curious reversion to primitive conditions in the widespread prevalence of local assessments and penalties, and the disappearance of royal sheep dues.

With these general outlines of local sheep taxation in mind, we may turn to an examination of the taxes collected from migrating flocks by the central government in each of the Mediterranean lands. The rise of a central power came as a boon to the sorely harassed sheep owners, for it gave them an ally and defender against the constant exactions of the local tax collectors. The sovereign, like the migratory herdsman, found his only hope in centralization and unity, as opposed to the independence of the towns. In some of the countries under consideration, such as France and Portugal, the beginnings of state taxation of the migrants are obscure because of the lack of materials on the pastoral industry during the early period. In other regions, however, especially in southern Italy and to a less extent in Aragon and Navarre, the earliest evidence shows the industry well organized under the patronage of a strong central government, to which it was paying an annual tax. The old sheep highways had been taken over by the state, and at fixed toll points a pro rata tax was levied each year on the passing sheep. This system was intended partly as a substitute for many local taxes and fees levied along the way, and partly as a guarantee of protection against abuses by collectors of such sheep tolls as were still levied by wayside towns.

The best example of the operations of this form of state taxation to be found, outside Castile, was that developed in southern Italy. There the earliest traces of the industry date back to the times of the Roman republic, and show that even then there was a well established system of state taxation of roving flocks. The *pastio agrestis* described by Varro was evidently a pastoral organization designed to facilitate the state regulation of the lands

and highways used by the migrating sheep.[1] For this service the herdsmen were naturally understood to be under a financial obligation to the government. Consequently certain state sheep taxes were devised, a special sheep magistracy was created in 192 B.C. or thereabouts, and sharp distinctions were introduced in the Sempronian laws between assessments on pastoral and on agricultural lands. Incidentally it may be noted that whenever public lands found their way into the hands of private individuals, the fees or taxes previously paid to the state for their use by the flocks were converted into regular rentals paid to the new owners.[2] During the first century B.C. the censors were leasing tracts of public pastures to *publicani*, who sublet them to sheep owners upon payment of a *scriptura* or head tax on the animals. This toll was collected at wayside *stationes*, which were the predecessors of the *dogana* of the Middle Ages and modern times. Under the later empire the *scriptura* became the *pensio*, a fixed charge for the privilege of grazing on imperial lands.[3] By the twelfth century this tax was being administered under the direction of the *balivus civitatis*, a state officer who usually supplemented his fixed income from the tax by illicit bargains with sheep owners for more pastures than could be secured through strictly legal channels.

The royal sheep taxes of modern times in southern Italy are thought by some to have had their origins in the operations of the *messari*, or lessees of royal tolls, under Frederick II in the thirteenth century.[4] It is more probable, however, that the responsibility for these taxes is to be found in the close political tie between Aragon and Italy. Alfonso I of Naples (1435–58) as

[1] H. F. Pelham, *Essays* (Oxford, 1911), pp. 300 ff. The Licinian law of 367 B.C. had laid the groundwork for legislation on the use of public pastures by private individuals. Acquisition by conquest of large tracts of public lands where the migrants had previously been accustomed to feed and to pay local taxes probably brought about this step by the state.

[2] *Ibid.*, pp. 303–304.

[3] *Codex Theodosianus*, vii, 7; *Codex Justinianus*, xi, 60, cited by Pelham. Attention will be called later in this chapter to the analogy between these *stationes* and the Castilian *puertos reales*, where the Mesta paid its annual taxes to the crown.

[4] Sombart, *Die römische Campagna* (Leipsic, 1888), pp. 43–48, 83–87; Bertaux and Yver, "L'Italie inconnue," in *Le tour du monde*, 1899, pp. 272–274.

Alfonso V, 'the Magnanimous,' of Aragon was intimately acquainted with the affairs of the Saragossan *Casa de Ganaderos*. He was undoubtedly the one who erected upon the ruins of the old Roman *stationes* an elaborate system of toll houses — the so-called *tribunale della dogana della mena delle pecore di Puglia* — for the assessment of the sheep that frequented the pastures of Apulia.[1] Under this organization bridge tolls were regulated, the *tratturi*, or sheep walks, maintained, and resting places and winter pasturage in public lands carefully administered. In exchange for these services, the sovereign was paid eight Venetian crowns for every hundred migrating sheep.[2] By 1500 the income from this source was of such proportions that Louis XII of France and Ferdinand III of Naples (II of Aragon) made careful stipulations as to its division. The subsequent attempt of the French to stop the migrating flocks at San Severo roused the Spaniards and was one of the causes for the launching of those memorable Italian campaigns of the 'Great Captain,' Gonsalvo de Cordova, and his famous Spanish infantry.

In the eighteenth century the tolls on migrating sheep had become "one of the richest mines of wealth belonging to the crown of Naples."[3] In fact, the long continuance of an organized pastoral industry in southern Italy is to be explained to a considerable extent by the large revenues which it brought to the crown. The Infante Charles of Naples began here in the middle of the eighteenth century the same reforms which he was later, as Charles III of Spain, to inaugurate against the Castilian Mesta. He announced his readiness to forgo the immediate profits of this tempting revenue in order to build up a firmer, though for a long time much less lucrative, type of rural economy. This declaration he proceeded to make good by the establishment of agricultural colonies in the pasture lands. With much of the

[1] Swinburne, *Travels in the Two Sicilies* (London, 1783–85, 2 vols.), i, pp. 140 ff.; Craven, *Excursions in the Abruzzi* (London, 1838, 2 vols.), i, pp. 264–270.

[2] In 1556 this figure was raised to twelve crowns, and in 1709 it was further increased to thirteen ducats and twenty *grana*.

[3] Swinburne, *op. cit.* He gives the following as the royal returns from this tax: 1536, 72,214 ducats; 1680, 155,863 ducats; 1700, 272,077 ducats; 1730, 235,072 ducats; 1780, 400,000 ducats.

antiquated machinery of state sheep tolls thus cleared away, it was natural for Murat to issue, as part of the whole system of Napoleonic reforms, a decree dated May 20, 1806, abolishing the whole system of state taxes on migrants, together with the attendant guarantees of protection. The subsequent edict of November 26, 1808, was intended to confirm this reform, "to compensate the state for the loss of these revenues by the more lasting and beneficial incomes from husbandry, and to assure the rural population of Apulia of that protection to their property upon which depends the amelioration of agriculture and the consequent augmentation of national riches and population" — a thoroughly mercantilist pronouncement in every way. The reaction and return of the Bourbons in 1815 swept all of these reforms away, and brought back the flocks with their large fees for a short-sighted royalty. It was not until after 1860 that improvements, in many respects similar to those introduced by Charles III a century before, permanently put an end to the system of state taxation of migratory sheep.

Royal taxation of migratory herds in Aragon consisted of the one tax, the *carnerage*, which was probably adapted from a local sheep tax of the same name by the strong founder of Aragonese centralization, James I (1213–76). During the expulsion of the Moors, the crown had secured extensive pasture lands which had long been frequented by the sheep of the northern highlands.[1] Local sheep taxes were already common there, and suggested to the conquerors the fiscal possibilities of the industry. As a result, there was soon established a series of royal toll gates along the principal sheep highways for the collection of the *carnerage*.[2] In some cases it was levied in money, as in the collection of three *sueldos* and four *dineros*[3] from every hundred head coming down from Ribagorza. The usual practice, however, was an assessment

[1] Asso, *Hist. de la Econ. Polit. de Aragon*, pp. 479–480, lists these lands and indicates the taxes collected near each tract.

[2] The marked difference between the *carnerage* and the Castilian montazgo has been described above, on p. 149. Such minor taxes as the royal bridge tolls, for example the *pontage* collected at Saragossa, will not be taken up here. Cf. *For. Reg. Arag.*, lib. 4, tit. 646 (1528).

[3] Asso, *op. cit.*, pp. 429–472, discusses Aragonese money at length; see also Swift, *James I of Aragon* (Oxford, 1894), pp. 275 ff.

in kind. In the thirteenth century this amounted to ten head out of every flock, but this exorbitant rate, due to James the Conqueror's heavy war expenses, was cut to five by James II in 1326.[1] By the middle of that century the royal sheep toll had become definitely fixed as to rates and collection points, which were formally announced by an edict. This act also stipulated that any local tax purporting to be a royal one should be forthwith discontinued.[2] Numerous later decrees and ordinances outlined the details of the system, protected the sheep owners from abuse at the hands of the crown's collectors, granted the flocks ample accommodations near the toll gates, and insured them free passage over the public highways as well as over their special routes.[3] Royal sheep tolls were maintained in Aragon until the agrarian reform edicts, drawn up in 1773 and after by Charles III along the lines of his earlier Neapolitan measures, threw open to cultivation most of the public pastures in southern Aragon.

Royal incomes in Valencia benefited very materially by the fact that the inviting lowland pastures of that kingdom made it a favorite winter grazing ground for most of the Aragonese and many of the Castilian transhumantes. In 1245, seven years after the capture of the city of Valencia from the Moors, James I announced his royal title to the *herbage* and *carnerage*, taxes which had been levied by Valencian towns on sedentary and on migratory flocks respectively.[4] As a further means of increasing the royal revenues from sheep migrations into Valencia, Philip II introduced into that realm the Castilian royal sheep tax of servicio y montazgo.[5]

[1] Arch. Cor. Arag., Escrituras Jayme II, no. 247 (1339), is a degree exempting flocks of the town of Daroca from all royal dues save the payment of six head out of every thousand.

[2] *For. Reg. Arag.*, lib. 4, tit. 587.

[3] M. Dieste y Jiménez, *Diccionario del Derecho Civil Aragonés* (Madrid, 1869), p. 263 (1488 decree); *Fueros y Actos de Corte de . . . Aragon* (Saragossa, 1678), fol. 14.

[4] Branchat, *op. cit.*, i, pp. 217 ff.; *Bull. Ord. Milit. Alcant.*, p. 734: an exemption from the Valencian *herbagium* granted in 1268 by James to the flocks of the military Order of Alcántara. Subsequent confirmations of the decree of 1245 are found in Branchat, ii, pp. 125–132. Cf. Llorente, *Noticias Históricas*, ii, p. 159, on the use of *herbage* in the northern provinces of Castile.

[5] Branchat, i, pp. 226–227.

The situation in Navarre, so far as royal taxes on sheep were concerned, was dominated by the fact that the Bárdenas region, which comprised practically all of the pasture lands frequented by the migrants, had from time immemorial been part of the crown demesne.[1] These lands were accessible upon payment each year of taxes called *pechos* or *carneros*. Occasionally, as a reward for special service, a limited exemption was granted to the herds of some locality or monastery. Instances of this occurred during the turbulent times of the Reconquest and the later wars.[2] Usually these grants were in the form of restricted favors, such as the right to cut green wood for making corrals, or to pasture a certain number of sheep free of charge. Even in these cases the tax on a whole flock was seldom cancelled altogether, but was commuted into a small fixed annual tribute — a practice which seems to have had its beginnings during the first half of the fifteenth century. The ordinances of 1499 governing the use of the Bárdenas pastures establish clearly the absence of sheep taxes levied by wayside towns, but such exactions began to appear soon after that date.[3] The process of alienating the royal tax on migrants by concessions and sales to towns and villages was in full swing by about 1650; and by 1755 the local officials in and near the Bárdenas region had bought up all such crown levies.[4]

This survey of the taxation of migratory sheep in various western Mediterranean countries presents three conclusions. First, and most important from a general point of view, we are here confronted with a distinctly non-feudal fiscal system, which is based upon a tax on movable property. The widely accepted theory which undertakes to explain the appearance of taxation on movables as an aftermath and solution of the growing inadequacy

[1] Yanguas, *op. cit.*, ii, p. 418.

[2] *Ibid.*, i, p. 85; ii, p. 421: instances of 1092, 1117, 1329, 1350, 1412, and later.

[3] *Ibid.*, i, pp. 87–92; ii, pp. 414, 595, 626. The crown also levied numerous taxes (*lezda*, *peaje*, *saca*, *chapitel*, etc.) upon the importation, exportation, and sale of supplies to transients, especially to migratory flocks. *Ibid.*, ii, pp. 596, 618, 629–630. Compare with the Castilian *portazgo* (below, p. 164) and *alcabala* (p. 260).

[4] See above, p. 152.

of the old feudal land taxes is, therefore, of dubious value, so far as these countries are concerned. Secondly, we note the widespread local taxes and penalties upon migratory sheep. These were the earliest manifestations of any financial relations between the towns and their annual visitors. Indeed, these assessments appear with the first traces of the industry itself; they are the fiscal expression of the ancient social conflict between pastoral and agrarian interests, and they are to be found whenever and wherever that conflict occurs. Thirdly, as a consequence and development of the local taxes, there came the taxation of the flocks by the central government. This phase simply expresses the growth of national out of local economy, a process, let it be repeated, which was in no sense a substitution of the new order for the old, since both national and town taxes continued to be levied upon the migrating flocks. In two instances, Valencia and Navarre, we observed the disappearance of the royal taxes through their reversion to the towns. The royal or state assessments differed from the local ones in that their object was not penal but strictly fiscal, being intended only as a source of revenue. These national tolls are notable, furthermore, because they made necessary an elaborate system of state maintenance of sheep highways, pasture lands, toll stations, and rate schedules: in other words, a considerable piece of administrative machinery, which soon developed into a thorough organization of the industry. This was notably the case with the *dogana* of Italy and the *Casa de Ganaderos* of Aragon.

With these details in mind regarding the fiscal relations between the sheep owners and the governments, both local and central, in other lands, we are prepared to approach the same questions in Castile. Are there evidences in that kingdom of a pre-feudal tax on movable property on any considerable scale? How early and in what form do local taxes and penalties on migratory flocks make their appearance? Does the unusual wealth of materials available on the history of this industry in Castile enable us to follow closely the evolution from local to royal taxes, from town to national economy? Does the Castilian experience establish

the rise of a closely unified national sheep owners' organization out of the fiscal machinery of the central government? In a word, does the financial history of the Mesta enable us, through the use of its abundant source materials, to explain and perhaps to answer the questions suggested by the fiscal aspects of the same industry in other lands?

CHAPTER IX

MEDIAEVAL SHEEP TAXES IN CASTILE

Early local taxes. The *montazgo* and the *portazgo*. Effect of the Moorish wars. Beginning of large scale sheep migrations, standardized taxation, and fixed toll points.

After the disaster at the Guadalete in 711 and the flight of Roderic's battered warriors into the mountains of Asturias, there followed three disordered centuries of uncertainty for the fugitive bands of Christian refugees, centuries of intermittent conflict either with the infidel invaders to the south, or with one another. The events of this turbulent formative period, especially those concerned with so unwarlike a subject as the present one, left but scanty records, and even these are swept aside by some authorities as spurious.[1] Whether this conclusion is accepted or not, it is interesting to observe that the few documents purporting to give evidence on the taxation of migratory sheep in this early period all bear a striking resemblance to the first records of the same practice in other lands. These early financial obligations of the Castilian flocks were local tolls, as were the first taxes paid on migrants elsewhere; but in Castile the evidence supplements with many new and important data the oldest documents found in other countries. Although the obscurity which clouds these opening centuries may detract from the value of the documents, the fact remains that their chief features accord in every way with the well authenticated source materials of other lands. They carry the origins of this form of local taxation back into the traditional beginnings of Castilian history.

The earliest of these records, like those in some of the regions already considered, appear in the form of royal exemptions from local sheep taxes. The practice common in all parts of mediaeval Europe of granting special privileges and immunities from such

[1] Notably L. Barrau-Dihigo of the Library at the Sorbonne.

taxes, in exchange for loyalty and support to the crown,[1] was especially prevalent in Castile, because of the constant pressure which the frequent wars put upon the royal prestige and treasury. This circumstance has given us a full series of such exemptions, which, be it noted, synchronize closely with the chief campaigns against the Moors, and we are, therefore, in a position to make a thorough survey of the local sheep taxes of the period. Fifty or more of these documents cover the period from the reign of Sancho the Great (970–1035), the first king of a united Spanish Christendom, down to the founding of the Mesta in 1273 or thereabouts. They fall into three groups: first, those granted during the campaigns of the first Castilian Alfonso and his illustrious companion in arms, the Cid, whose successes came to a climax with the capture of Toledo in 1085, only to be followed by the inglorious disaster at Zallaka in 1086; secondly, those issued in the turbulent middle decades of the twelfth century, during the rise of the newly established military orders; and thirdly, those bestowed as rewards for aid in the triumphant campaigns from Las Navas de Tolosa (1212) to Cadiz (1262), which swept the Moors out of Andalusia and thus established Castilian dominion over the whole of the southern pasturage area.[2]

In the earlier years of the Reconquest there was a frequent tendency to qualify these concessions to the flocks of the favored town or monastery. This qualification sometimes took the form of a limitation of the number of sheep to be exempt from local tolls;[3] but more frequently the area for untaxed migrations was

[1] Although this was the usual cause for such exemptions, it was by no means the only one. Religious zeal and work in the propagation of the faith were frequently rewarded by such privileges. The migratory sheep of herdsmen and owners living in Salamanca were so favored 'because of the fame of that city as the home of one of the four great centres of learning in the world, and its consequent eminence as one of the unique things (*cosas singulares*) of the Spanish kingdoms.' González, v, pp. 546–551 (1465).

[2] A study of the dates of some fifty similar exemptions, selected from the two centuries after this period, will reveal a like tendency to appear during times of stress, notably in the civil wars of Peter the Cruel and Henry of Trastamara.

[3] González, v, pp. 218–220: a royal privilege to the town of Pineda, dated 1287, exempting 15,000 sheep of that town from local tolls in all parts of the realm.

restricted.[1] In every case the obvious intention was to modify the ancient and widespread taxation of these herds so as to favor certain communities which were loyal to the crown.

Among the more common taxes of migratory sheep in Castile during the Middle Ages, two were prevalent throughout the kingdom from the earliest times: the *montazgo* and the *portazgo*. These deserve special comment, not only because of their antiquity, but because of the influence which they had upon the whole fiscal history of the migratory pastoral industry in Castile, as well as in other parts of the peninsula.[2]

The montazgo, as we have seen, was originally a fine for trespass upon the *montes*, or wooded pasture lands, and the assessment of it was a privilege attached to the ownership of such lands. When the lord of any given montes happened to be the king, the montazgo was a royal income. For reasons that will be later explained, however, Castilian royalty did not capitalize its opportunities in this connection until the middle of the twelfth century, when the first organized efforts were made to collect montazgos for the royal exchequer. By that time the towns had acquired jurisdiction, largely as rewards for services in the Moorish wars, over large tracts of montes, and consequently over the title to collect montazgos.

[1] Muñoz, pp. 292–293: the famous fuero of Nájera (*ca.* 1020), which gave its herds exemption from local tolls in all woodlands between the Ebro and Anguiano, a radius of about a day's journey from the town. *Ibid.*, p. 429: the fuero of Sangüesa (1122), which established a similar free zone for its flocks " in circuitu Sangossa quantum potueritis in uno die andare et tornare." See also the fuero of Cáceres of 1229, in Ulloa, *Privilegios de Cáceres*. A privilege of Alfonso X to the town of Briones (1256) exempted sheep of that town from *montazgos*, provided they returned to Briones at nightfall. Acad. Hist., Ms. E–126, fols. 79–95.

[2] Ducange, *Glossarium*, *s.v. montaticum*, gives illustrations from Sicily, France, and Portugal. He notes the early French *montagium*, which has sometimes been confused with *montazgo* (cf. J. Lopez de Ayala, *Contribuciones é Impuestos en León y Castilla*, p. 127). Occasionally the term was applied to a tax for ferrying. Besides the usual Latin *montaticum*, the Sicilian *montitium*, the Portuguese *montadego* and *montado* (J. de Santa Rosa de Viterbo, *Elucidario das palavras*, Lisbon, 1798–99, ii, p. 151), there was also the Castilian *montanera*, though this was more uncommon than the *montazgo* (cf. *Revista de Archivos*, ii, p. 174). Colmeiro, i, p. 95, suggests that the *montazgo* and similar taxes may have originated as early as the Roman period, but the evidence on this is by no means convincing.

Though originally they were fines for trespass upon a particular kind of land, the montazgos gradually became fixed charges for access not only to montes but to other types of town commons. In fact, by the time the Mesta was established in 1273, the name had come to be applied to almost any toll upon passing flocks, regardless of their trespassing on the montes.

A few illustrations will suffice to establish the character of this important tax in its earlier phases. A fuero which was granted in 804 to the town of Valpuesta by Alfonso II of León and Asturias gave to the townspeople "full liberty to cut wood in the royal forests, to build houses and churches or for fuel, and to enjoy unhampered access to pastures and springs on going out and returning [with their flocks] without payment of any montazgo or portazgo." [1] In 824 Count Muñio Nuñez gave a charter to the inhabitants of Brañosera, by which it was stipulated that "from all men who come from other towns to pasture their animals in the town montes, the townspeople are to levy a montazgo." [2] In a like manner, some villeins of Berbeja and Barrio received exemptions from certain taxes at the hands of their lord, 'because they had to pay the montazgo, but could not collect it from cows or swine [coming on their lands]' [3] In a grant of lands to the monastery of Santa Juliana, dated 1045, Ferdinand I expressly qualified the jurisdiction of the monks over their new possessions by specifying that "they were not to levy any montazgo on those who hunted there." [4] A trial over some property of the monastery of Sahagún in 1055 was settled by the agreement that the unsuccessful claimants to certain montes were to pay montazgos for their use of those lands.[5]

The portazgo appeared quite as early as the montazgo, and, like it, was a tax the title to which was vested in the owner of certain real property; in this case the property consisted of the

[1] González, vi, p. 2. There was a similar privilege granted to the cathedral of Oviedo in 853. *España Sagrada*, xxxvii, p. 319.

[2] Muñoz, p. 17.

[3] Muñoz, p. 32. *Ibid.*, p. 38: An exemption from montazgo in favor of the town of Castro Jeriz, in 974.

[4] González, v, pp. 15 ff.

[5] Arch. Hist. Nac., Docs. Sahagún, no. 969.

highways and gates, whence the name of the tax. The *portaticum*, *portagem*, *portadigo*, or *portazgo* was, therefore, levied upon all goods and animals using these means of communication. Theoretically the king, as the lord of the land and protector of peaceful travellers and merchants, was the proper recipient of such a tax, just as his theoretical title to the montes gave him the montazgo. But although the crown occasionally claimed a share or even the whole of the portazgo, such claims were never enforced,[1] and from the earliest records of the ninth century onward this tax was collected at the gates of towns, wayside castles, or monasteries by the owners of such gateways.[2] The only evidence of royal control over the portazgo was evidenced by an occasional insistence on the part of stronger monarchs that royal authorization was necessary for the collection of the tax; though even this was rare, and the portazgos were assesssed as a rule quite regardless of the crown's permission.[3] In the course of time a royal tax developed

[1] *Part.* 5, tit. 7, leyes 5–9, *Part.* 3, tit. 28, ley 11, and *Part.* 2, tit. 1, ley 2, give the thirteenth-century view as to the theoretical share of the crown in the *portazgos*. The rate was then one-eighth of the value of the animals or goods, and the king was to have two-thirds of the yield, the town's share being used to repair roads and walls. It is interesting to note that in this code the 'Scholar King,' Alfonso X, exempted from *portazgos* " the books, clothing, and other necessities brought in by students." *Portugaliae Monumenta Historica*, Leges et Consuetudines, i, p. 487, gives a charter of Centocellas, 1194, awarding two-thirds of the local *portazgo* to the lord of the town. *Cortes*, S. Maria de Nieva, 1473, pet. 5, mentions the ancient theory that *portazgos* belonged to the crown.

[2] Lopez de Ayala, *op. cit.*, pp. 128–130, citing documents of 804 ff.; Berganza, *Antigüedades de España* (Madrid, 1719–21, 2 vols.), ii, p. 59 (1129); Bib. Nac. Mad., Ms. 714, p. 183 (1179); Herculano, *Historia de Portugal* (Lisbon, 1863), iv, p. 420; Acad. Hist., Indice Docs. Monast. Suprim., p. 18 (1232).

[3] A good example of one of the few portazgos of which the crown received a share was that of Plasencia, to which the Mesta flocks were the heaviest contributors. The Castilian sovereigns retained two-thirds of the Plasencia portazgo down to the close of the fourteenth century, when obligations incurred during the wars of Peter the Cruel and Henry of Trastamara necessitated the disposal of this income. Benavides, in *Revista de Extremadura*, iii (1901), pp. 172, 433; iv (1902), p. 189; v (1903), p. 219, presents documents illustrating the history and administration of this tax. Illustrations of royal concessions of portazgo privileges are found in Arch. Osuna, Béjar Mss., leg. 351, no. 1 (1237); Pantigoso, *Memorial . . . de Segovia* (1523), reprinted in *Boletín Acad. Hist.*, xiv, p. 219 (1889). An interesting schedule of portazgo rates of the twelfth century is found in the fuero of Zorita de los Cañes, ed. Ureña (Madrid, 1911), pp. 399–414. A similar table from the fuero of Sepúlveda (thirteenth century) is in the Acad. Hist., Mss. Fueros Privs. y Ords. Municip., i,

to take the place of the theoretically royal but actually local portazgos, namely the alcabala, a tax on sales, which became common in the fourteenth century.[1] Although the portazgo was supposedly levied upon goods and animals en route to a neighboring market, the destination of those paying the tax was quite likely to be remote from the point where it was paid, since the jurisdiction of the mediaeval Spanish town frequently included many square leagues of rural districts and scores of villages. There are even instances of portazgos being collected by Castilian towns and churches from shepherds on their migrations across the southern borders into the Moorish kingdoms. For the Mesta, therefore, the local portazgo lost its original meaning of an octroi on sheep or wool en route to the local market; and, like the montazgo, it came to be but another wayside toll on the migratory herds.[2]

In theory, then, and according to some of the earlier codes, such as the *Partidas*, the collection of these two imposts was an attribute of the sovereign; but in actual practice, since their earliest appearance, they had been levied by local or private authorities,

pp. 73–79. The rates are all given in money, and they give an excellent idea of the diversity of internal commerce in mediaeval Castile. They include food stuffs. iron, copper, lead, Moorish slaves, shoes, mirrors, and woollen cloth from Segovia, one of the Mesta's headquarters.

[1] See below, p. 260. The *lezda* of Aragon and Navarre has been sometimes confused with the portazgo, but it, like the alcabala, was a crown tax, though it resembled the portazgo in that it was levied upon goods brought to the town markets for sale. Cf. Yanguas, *Dicc. de Antigüedades*, ii, p. 603; Arch. Hist. Nac., Floranes Mss. 12–24–1, B–10.

[2] In 1200 the bishop of Cuenca was levying a *portazgo* on sheep being taken to the lands of the Moors to be sold, "et quod ganatum in terram Maurorum non vendidit portaticum illud reddat." Acad. Hist., Ms. 25–1–C 19, fols. 483–484. This clause brings out clearly the theory that the portazgo was levied upon animals to be sold, but the fruitless protests of the Mesta in later years gave evidence that the *portazgueros* were seldom particular as to the objects or destinations of their victims. Further evidence of sheep migrations and trade between Christian and Moorish territory is found in Muñoz, *Colección de Fueros*, pp. 375 (1137), 417 (1115), 464 (1131). Other instances of portazgos upon migrants going long distances are found in Arch. Osuna, Béjar Mss., leg. 351, no. 1 (1237); Acad. Hist., Ms. 12–19–1, fols. 172 ff. (1217). Reductions or removals of portazgos were one of the common devices employed by Castilian towns in the Middle Ages to promote trade on certain market days, or in certain commodities. Cf. Arch. Osuna, Béjar Mss., leg. 33, no. 15; leg. 44, no. 18.

sometimes with, but more often without royal consent. This inconsistency between the general law of the realm and the actual administration of the tax seems to have escaped the majority of investigators who describe both the portazgo and the montazgo as royal incomes.[1] This divergence of accepted custom from the written law regarding the ownership and administration of the tax was due to the obvious fact that the king of Castile was not an autocrat. The powerful monarchy was distinctly the exception in mediaeval Castile. The Moorish wars, as well as certain geographic and linguistic factors, had given the dominant influence to local units: to the towns, with their tax and other privileges acquired in exchange for military support; the rich churches and monasteries, with their crusade exemptions and ecclesiastical prerogatives as leaders of a nation devoted to war against the infidel; and the great barons with their cliques and military orders.

It was inevitable, then, that the portazgo and montazgo should have become, in fact, local taxes, and that the development of their various characteristics, as indicated above, should have been governed by the general political history and social evolution of the country.

A new era had dawned with the union of Castile and Léon under Ferdinand I (1037–65), an era of consolidation which was soon to lead to conquests. The capture of Toledo (1085) marked the permanent establishment of Christian sway over a large part of the plains of southern or New Castile. It is true that the triumph was marred for a time by the disaster at Zallaka (1086), and that the two kingdoms were separated again for over seventy years (1157–1230), during which period the Moors won another great victory, that at Alarcos (1195). Nevertheless, the twelfth century was notable for the steady extension of Christian domination over the great southern pasture lands,[2] to which the migrating flocks had probably obtained access in the earlier turbulent cen-

[1] Cf. Altamira, ii, p. 58; Piernas y Hurtado, ii, p. 43; Colmeiro, i, p. 470; Mariéjol, *L'Espagne sous Férdinand et Isabelle*, p. 217.

[2] The more notable of these early Christian victories were achieved at Toledo (1085), Talavera (1085), Colmenar de Oreja (1139), Coria (1142), Calatrava (1147), Alcántara (1166), Cuenca (1177), and Plasencia (1189): all in regions highly valued for pasturage by the northern migrants.

turies by payment of tolls and fees for protection. These regions were now laid open by the conquering sovereigns without payment of taxes. We find, therefore, a long series of fueros and privileges exempting the sheep of the favored towns from taxation at the hands of local authorities.[1] In all of these, as well as in many other town charters of the same type, there was the guarantee that the favored sheep were not to pay local taxes in a large part, and frequently throughout the whole, of the realm.

Exemptions from local montazgos and portazgos were, then, common means of rewarding the loyalty and services of cities, monasteries, and sometimes even of individual sheep owners among the nobility, for their aid to the crown in the work of the Reconquest.[2] The sovereigns now felt themselves capable of issuing mandates of a more definite and comprehensive scope than the vague and timid ones of their predecessors. The exemption embodied in the fuero of Plasencia, for example, clearly defined the montazgos and other local taxes in question, especially certain tolls levied at points along the Tagus River. In most of the town charters of this period there was the same tendency to qualify the sweeping exemptions by specifying localities where the flocks of the favored town were most likely to be accosted by tax collectors. We have, then, a considerable body of negative, but none the less conclusive, evidence of the early prevalence in Castile, well before the conquests of 1212–62, of local taxes on migratory flocks.

There are also certain positive indications of these tolls, namely the confirmations of ancient privileges to collect such taxes from passing sheep. Illustrations are readily found in the twelfth and early thirteenth centuries of such royal acknowledgments of municipal title to taxes from migrating sheep, and it is important

[1] As examples of these may be mentioned the fueros and privileges of Alquesar (1069) (Acad. Hist., Ms. 25–1–C 9, fol. 1), Sangüesa (1122) (ibid., p. 31, no. 58), Carcastillo (1129) (Muñoz, p. 470), Guadalajara (1133) (Muñoz, p. 509), Balbás (1135) (González, vi, pp. 84–89), Toledo (1137) (Bib. Nac. Madrid, Ms. 714, fol. 10 v), and Plasencia (1170) (ibid., fol. 183); see also Ducange, *Glossarium*, *s.v. montaticum* (1173); and González, vi, p. 93 (1231)).

[2] Colmeiro, ii, pp. 474–479, discusses the unequal distribution of the tax burden as a result of the granting of such favors as these.

to observe that many of these acknowledgments were granted long before there were any royal taxes of this type.[1]

The great victory of the Christians at Las Navas de Tolosa in 1212 marked the beginning of a half century of triumphs over Moorish strongholds.[2] A wide expanse of southern pasture lands was won for the unhampered use of the flocks from the north; though, as has been pointed out, these lands were by no means

[1] The fuero of Calatayud of 1131 (Muñoz, *Colección*, p. 463) fixed a *montatico* for " toto ganato forano . . . qui post tres dies steterit in termino de Calatayub." A concession of jurisdiction over part of the revenues of Salamanca, granted by Urraca and her first husband, Raymond of Burgundy, in the year 1140 of the Spanish era, was accompanied by a recognition of the right to levy taxes of this form " in quocunque loco, vel quolibet modo." Ducange, *s.v. montaticum.* A similar recognition was shown in an instrument of the year 1164 of the era from Alfonso VII, *ibid.* The monastery of Oña received from Alfonso VIII in 1176 a lengthy confirmation of its ancient charters, including its right to collect tolls from passing sheep: the rate was one head from migrants passing by day and four from those passing by night. Arch. Hist. Nac., Docs. Oña, no. 96 a. Night tolls were invariably higher, probably in order to discourage migration when conditions were favorable for evasions. In 1200 the bishop and chapter of the cathedral of Cuenca were guaranteed the continuance of their long standing privilege of levying a toll upon all sheep and cattle taken southward into the lands of the Moors to be sold, with the proviso that the sums collected on animals which returned were to be refunded. Acad. Hist., Ms. 25–1–C 19, fols. 483–484. This is one of the few positive indications of regular migrations of sheep from the Christian highlands of the north over the southern frontiers, long before the Reconquest had brought the pasture lands of those regions under the control of the Castilian kings. Political boundaries, even those strengthened by sharp racial and religious antagonisms, were quite ineffective as hindrances to the activities of this industry. (See above, p. 145, on the sheep migrations over the Pyrenean boundary.) In 1208 Valladolid secured royal confirmation of its right to collect a montazgo of two rams from every herd entering the jurisdiction of the city. Agapito, *Privs. de Valladolid*, p. 28. The town of Béjar had obtained a similar recognition in 1211. Arch. Osuna, Béjar Mss., caj. 30, nos. 1, 2, 6, confirmations of 1265 and 1314. The royal confirmation of the toll rates of Burgos, granted in 1237, declared that all sheep were to be assessed according to a fixed schedule, " even if they belonged to the king or to the queen or to the monastery of Las Huelgas." Acad. Hist., Ms. 12–19–1, fols. 172 ff.

[2] Chief among these may be noted the following: Alcántara (1214, regained in that year after the loss following the first capture in 1166), Badajoz (1228), Mérida (1230), Castellón (1233), Cordova (1236), Valencia (1238), Murcia and Cartagena (1243), Jaen (1246), Seville (1248), Jerez de la Frontera (1254), and Cadiz (1262), This imposing list of notable victories reflects the vigor with which Ferdinand III and his companion conquerors swept across the plains of Andalusia and crowded their thoroughly beaten foes behind the mountains of Granada.

strange ground to them. The conquest simply made this region more readily accessible, and made migrations possible on a larger scale and with longer marches.

This period of reconquest, the sixty years preceding the founding of the Mesta, put an end to the vague generalities in which both the privileges to collect sheep taxes and the exemptions from such taxes had been expressed. The question had hitherto not come to a clear issue between the opposing parties, because the grants were made as isolated instances of compensation for services rendered. The origins of these local dues appeared at least as early as the dim records of the darkest period of the Christian kingdoms. There had always been sheep migrations; and in consequence there had always been local tolls and penalties. With the establishment of a condition approaching peace over a large area of pastoral country, there followed naturally a considerable increase in the activity of the industry. This resulted in the crystallization of the various laws concerning migrants. More especially was this true of the local regulations of sheep taxes. We may now review in detail the salient features of the local tolls, and their establishment upon a fixed, recognized, and systematized basis, a step which was a natural accompaniment of the organization of the sheep owners into the Mesta.

The first characteristic of the local sheep dues of this period is to be found in the tone of the royal restrictions laid upon their too extensive prevalence. As was noted above, the earlier exemptions from these tolls were limited in their scope, for the crown felt itself capable of safeguarding the flocks only within restricted areas.[1] The triumphs of the new crusade of 1212–62 against the Moors gave a different tone to these exemptions. The migrants

[1] One of the few survivals of this old restricted form in the period under discussion is to be found in the fuero of Cáceres of 1229 (renewed in 1231). In this the sheep of the town inhabitants are exempt "from montazgo only as far as the Guadiana River," which gave the flocks a free zone of but a few leagues beyond the town's jurisdiction. Ulloa, *Privs. de Cáceres* (1676?), p. 3; González, vi, pp. 91–95. See also a similar survival of a restricted montazgo exemption in the privilege from Alfonso X to Briones in 1256, favoring only such sheep as return from their migrations at nightfall. Acad. Hist., Ms. E–126, fols. 79–95. González, vi, pp. 156–158 (1272), has a grant of exemption for the sheep of Alcazar de Baeza from local tolls as far as the Tagus River.

were now assured that ' they might move unmolested through all parts of the realm, pasturing wherever the royal flocks themselves had access, and on no account was any harm to be visited by any town upon the shepherds, nor was any tax to be levied upon the sheep.' [1]

Furthermore, there appears in the available documents of this period the first detailed specifications of the rates of these local taxes and the definite establishment of fixed points for their collection. Instances of the old vague indications of exemption from ' all montazgos in all parts of the realm ' are, of course, still frequent, and continue to be so for centuries.[2] The new and striking development is evidenced by such specifications as those laid down in the royal privilege of the Order of the Temple, granted in 1237, for faithful service to the warrior Ferdinand III.[3] By this instrument, the towns under the jurisdiction of the Order were authorized to collect " one horse for every five thousand sheep on their way to southern pastures, and one horse for every five hundred cows; and of those with fewer animals the rate was one maravedi for every five hundred sheep and one for every fifty cows." This was to be valid for all migrants, whether from Castile or León, a clause which for the first time links the two kingdoms as the joint sources of these flocks, just as they were later to be linked in the ' Mesta of Castile and León.'

By far the most important piece of evidence upon the early codification or standardization of the hitherto haphazard collection of local tolls on passing flocks is to be found in the famous code of ' the lands of Santiago de Compostella ' of 1253.[4] This document prescribed certain rules for the collection of the montazgo, which subsequently appeared in most of the important

[1] Acad. Hist., Mss. Docs. Monas. Suprim., no. 20: an exemption of the monastery of S. Pedro de Gusniel de Izan, dated 1232.

[2] Acad. Hist., Ms. 25–1–C 1, fol. 2 r.: an exemption for the flocks of the cathedral of Oviedo, dated 1236, from montazgos in all parts of the realm. See González, v and vi, *passim*, for others of the same period and import.

[3] Cf. Arch. Osuna, Béjar Mss., leg. 351, no. 1; and ibid., Gibraleón, caj. 1, no. 2 (1267–68): two curious agreements among four towns, Niebla, Huelva, Gibraleón, and Aymarte, exempting one another from montazgos in their respective public pastures.

[4] A. López Ferreiro, *Fueros Municipales de Santiago*, i, p. 365.

charters and privileges on the subject. The following are its chief clauses:

(1) All sheep and cattle which migrate to the frontier (*á estremo*) are to pay but one montazgo in the jurisdiction of any one town. In all the lands of the Orders of Calatrava, of Uclés, of the Temple, of Alcántara, of the Hospital, or of any other Order, there is to be collected but one montazgo. The Temple is to collect its montazgo for Castile at Capiella [probably the present Zarza Capilla], and for León in Burgos or Alcocher [Alcocer]. Alcántara shall collect for Castile at Benquerença [Benquerencia], and for León in Alcántara. [No points of collection are named for Uclés, Calatrava, and the Hospital.]

(2) The rate of collection shall be thus:

Two cows for every 1000 cows, and the value of every cow shall be reckoned at 4 maravedis; and if it is preferred to pay the maravedis, the cows shall not be taken.

Two rams for every 1000 sheep, each ram being valued at half a maravedi; and those desiring to pay in money shall be allowed to do so.

Two pigs for every 1000, each being valued at 10 soldos de pipiones;[1] and if money is offered, the animals shall not be taken.

For less than 1000 head, the rates shall be in proportion.[2]

The principle of limiting the montazgos to one for every jurisdiction crossed by the sheep is here expressed for the first time, and it was subsequently incorporated into all of the notable Mesta charters on the subject. Most worthy of note in connection with this restriction is the rule that each military order should collect but one montazgo within its jurisdiction. This point assumes special significance when it is remembered that the largest single owners of pasture lands in the southern wintering grounds of the sheep were these military orders, which had been rewarded with liberal grants from the crown for their services during the Reconquest.[3] Except for Burgos, all of the toll points

[1] The *sueldo de pipiones* was a silver coin, probably of Aragonese origin, in circulation during the first half of the thirteenth century. It was rated as one-fifteenth of a gold maravedi. Cf. Saez, *Demonstración Histórica de Monedas de Enrique III* (Madrid, 1796), pp. 54–64; Salat, *Monedas de Cataluña* (Barcelona, 1818, 2 vols.) i, pp. 70–81; Cantos Benitez, *Escrutinio de Maravedises* (Madrid, 1763), p. 30; Vicente Argüello, *Memoria sobre el Valor de las Monedas de Alfonso el Sabio* (Madrid, 1852), pp. 18–19.

[2] Reducing these values to maravedis, the resulting montazgo per thousand head was one and one-third maravedis for pigs, one maravedi for sheep, and eight maravedis for cows.

[3] See Map, p. 19.

enumerated in this document are in the Serena and Badajoz region, the Estremadura district, which since the earliest times has been the chief grazing ground for the migratory flocks from the uplands of León and Castile. It is highly important that careful note be taken of this scheme for systematizing and concentrating the local tolls in a set of duly authorized centres of administration and collection, because this was the model which was used as the basis for the system of *puertos reales*, or royal toll gates, along the sheep highways. The royal *servicio y montazgo* took not only its name but its administrative machinery from the local montazgo.

An even more significant feature of this document is to be found in the fact that, although it was only a code of laws for Santiago and its lands, it did not restrict its scope to the sheep of that city, as did all of the earlier exemptions granted to favored towns. On the contrary, the law of 1253 viewed the montazgo from the opposite point of view: not prescribing the privileges of payees from a given city, but defining the rates and methods of collection of that tax as one to which all migratory animals were subject. The local taxes in the lands of the military orders were selected for first attention primarily because these lands made up the largest group of consolidated holdings in the pasturage most frequented by the migrants.[1] Then, too, the closer association of these orders with the crown doubtless influenced the latter in selecting them as the means for introducing the first reforms in the regulation and organization of the tangle of local taxes which hampered the flocks in their annual marches.

That this law of 1253 did not dispose of the problem is certain. Alfonso's wisdom as a codifier far exceeded his ability as an administrator. In his great code, the *Partidas*, nearly contemporary with this law of Santiago, he undertook to lay down rules to govern the granting of privileges and exemptions to sheep owners. However, the constant reiteration of complaints and appeals from the herdsmen during the succeeding decades gives ample evidence of the inefficacy of these provisions. The *Partidas* were not put to actual use until nearly a century after

[1] See Map, p. 19.

their completion. In the same manner, the efforts of the learned sovereign to codify the countless local tolls did not achieve their intended results for many generations.

He first prescribed the tolls to be collected in towns on the lands of the military orders, and then promulgated restrictions on those levied at other points along the sheep highways. In this respect, the rules were at first not so sweeping or detailed as those for the towns within the domains of the orders. They usually took the form of exemptions in the hitherto unlimited grants of freedom from all local taxes. One of the earliest of these was that granted in 1255 to Logroño, the central point of the sheep-raising districts in the upper Ebro valley. Its citizens were not to pay sheep tolls except in Toledo, Seville, and Murcia.[1] This was a common form of exemption,[2] which seems to have singled out the three cities mentioned partly because of their ability to defend their titles to their ancient montazgos, and partly because they might serve as good points of concentration and administration for these local tolls, after the manner of the towns named in the Santiago code of 1253. This process of simplifying the collection of the montazgos, and eliminating the obvious injustice to the herdsmen of repeated assessments in any one locality or jurisdiction, was carried further by a well known privilege granted to Toledo in 1255 by Alfonso. By that instrument, the city authorities were ordered to collect but two montazgos, one in Miraglo and the other in Ciara, instead of the many tolls to which the sheep had hitherto been subject when crossing various parts of the *montes* or wooded pastures of Toledo.[3] The rates were fixed on the same basis as those specified in the code of 1253, with the same values for the different kinds of stock, and the same privilege of payment in money instead of in kind, if preferred. The Cortes

[1] González, v, pp. 170 ff. In some of the exemptions of this type Burgos was added to these three.

[2] *Ibid.*, v, pp. 176–177: Castillo de Gormaz (1258); vi, pp. 150–152, 154–156: Cuenca (1268); v, pp. 254–256: Gómara (1299); v, pp. 258–259: Villalon (1303); v, pp. 273–274: Aguilar (1305); vi, pp. 235–237: Peñas de S. Pedro (1309); vi, pp. 239–242: Alcaudete (1328).

[3] Bib. Nac. Madrid, Ms. Dd. 114, fol. 175. These two montazgos were later combined, in accordance with the principle of 'one jurisdiction, one montazgo.'

which met at Valladolid in 1258 incorporated in their resolutions all of these details regarding the collection of not more than one montazgo in the jurisdiction of any one town or military order. This Cortes also established the same montazgo rates as those given above.[1] Both of these propositions were cheerfully approved by the crown.

It is evident, then, that by the time the Mesta was founded, and the industry thereby organized into some sort of national association, the local taxes which its members had to meet were given at least a theoretical uniformity. The way had been pointed out for subsequent legislation and administration. It is true that much remained to be done. The crown still granted privileges to some towns, giving them the right to collect a montazgo from all sheep which passed by their limits.[2] Occasionally the sovereign naïvely cleared himself from the obvious dilemma of conflicting exemptions to herdsmen and privileges to city tax collectors by assuring the one or the other that any apparently contradictory documents signed by himself were of no effect.[3] Certain cities did not even resort to the montazgo, but still followed the ancient practice of expelling all strange sheep entering their jurisdiction. In general, however, it may be said that by 1273 local tolls upon migrating sheep were being put upon a more or less systematic basis. We note, in fact, the beginnings of a recognized schedule of uniform rates and a reasonable restriction as to the number of toll points.

[1] *Cortes*, Valladolid, 1258, pet. 31. In the manuscript in the Acad. Hist., Colec. Martinez Marina, vol. ii, no. 1, the petition is no. 30.

[2] Arch. Osuna, Gibraleón, caj. 1, no. 3 (1267).

[3] González, vi, pp. 117–118: a privilege from Alfonso X to Badajoz, 1270, which assures the sheep of Badajoz full exemption from montazgos in all parts of the realm, with a warning to the towns " que non se lo tomedes [i.e., los montazgos] por cartas que de mi hayades, en que mandase que ninguno fuese escusado de esto."

[4] Arch. Cuenca, Becerro, fols. 174–176 and leg. 3, no. 20 (1268): " Todo ganado ageno que entrare en los pastos de Cuenca, que lo cuentan el concejo é que lo echen de todo su termino sin calumnia, salvo ende que lo non tomen por fuerza nin lo roben."

CHAPTER X

LOCAL TAXES DURING THE RISE OF THE MESTA (1273–1474)

Fiscal clauses of the charter of 1273. Policies of Alfonso X (1252–84) and Sancho IV (1284–95). Aggressive fiscal administration of Alfonso XI (1321–50). Sheep taxes during the civil wars of the later Middle Ages. Extravagant tax concessions to the towns and liberal exemptions of the Mesta. *Concordias* or tax agreements.

THE earliest extant charter of the Mesta was issued by Alfonso X in 1273.[1] In its opening paragraph reference is made to the existence of certain royal letters patent previously given to the herdsmen, which had been violated and which were therefore to be supplemented and strengthened by a new charter. This document is divided into four sections, the first three of which discuss various practices observed by the herdsmen on their migrations and at their semiannual meetings. The fourth section is as long as the other three combined, and is devoted to the abuses suffered by the sheep owners at the hands of the local tax collectors.

With reference to these exactions, the herdsmen are first assured that " they are not to pay any portazgos [2] on the cloth they carry from which to make clothes, nor on the provisions and other supplies which they bring with them for their flocks." Taxes were not to be collected in the woodlands, or along the cañadas or sheep walks, but only at certain specified town gates. In a supplementary privilege of 1276, this clause was extended by forbidding the towns to lay restrictions upon the purchase of grain (*pan*) [3] by the herdsmen for the use of their flocks. Furthermore, declared the privilege of 1273, the practice of taxing a shepherd who might take one of his animals to the town market to trade it for supplies

[1] Arch. Mesta, Privilegios Reales, no. 1: printed with notes by the writer, in the *Boletín de la Real Academia de Historia*, February, 1914.

[2] See above, p. 164.

[3] " El pan que los pastores ouvieren mester para sus cabañas."

should cease. "Shepherds may take to the town markets for sale as many as sixty head from every flock without paying the portazgo on them." [1] The horses and other beasts of burden, used to carry the supplies of the flocks when on the march, were not to be subject to any local taxes, whether montazgos or portazgos; nor were they to be preëmpted for temporary services by any monks or knights. This practice was quite common and "resulted in reducing the value of the animals by half." A fee of one maravedi a day [2] was to be paid to the herdsman for the use of any of his beasts of burden. No montazgos were to be collected from the sheep owners unless the right of such a collection was secured by a privilege from Ferdinand III (1217–52), and in no case was the rate to be more than two head per thousand,[3] a figure which was in keeping with those named in the documents cited above.

It is significant that the first charter of the Mesta should give as much space to the question of regulating and restricting the local taxes on migrants as to all other topics together. This was the subject which seems to have been of most significance to the sheep owners. It is interesting to note here that the documents devoted to it form by far the largest single group in the archive of the Mesta. Even the vital question of pasturage rights was a less frequent subject for litigation than this one of local taxes, though the two were often joined in the same case. It will be observed that the charter of 1273 made no attempt to specify the points at which the montazgo was to be collected, as did the Santiago code of 1253; not did it provide that only one such tax was to be levied in any one jurisdiction. The toll points of the military orders, as named in the code of 1253, were not referred to. In other words, the first efforts of the Mesta were directed not so much to the restriction of the area in which its members were liable to taxation as to the limitation of the kinds of taxes collected. The measure struck at the more fundamental phase of the problem by defining the various dues, and especially by emphasizing the exemptions

[1] *Quad. 1731*, pt. 1, pp. 22, 26, 38.

[2] This would be equivalent to the cost of two sheep, according to the official assessment of the montazgo; see above, p. 172.

[3] The migrations were usually made in flocks (*cabañas*) of about 1000 head. See *ante*, p. 24.

of the herdsmen from local tolls upon their supplies and pack animals and upon their transactions in local markets.[1]

We have, therefore, as a direct result of the creation of the Mesta, the first attempt to standardize the local taxes, just as the code of 1253 was the first attempt to localize these taxes. This step came as a natural corollary to the unification of all sheep owners into the Mesta, for their first efforts were certain to be directed toward the establishment of some uniformity in the obligations which they were compelled to meet on their migrations at the hands of town officials. This standardization was by no means a carefully planned, intentional process; nor did the rise of the Mesta itself follow any skilfully designed, prearranged code. It will be shown, however, that with the first appearance of the Mesta, and with its gradual development on a more and more definitely organized basis, there appeared simultaneously an increasingly prevalent uniformity in the local taxation of the flocks. This process had its real beginnings in the charter of 1273, in which the first steps were taken toward the restriction of the two chief local tolls, the portazgos and the montazgos. Of these two, the latter is, for present purposes, the more important, because of its application specifically to migrating sheep.

Instances of the montazgo previous to the foundation of the Mesta indicate clearly, as has already been pointed out, the essentially local character of that tax. Its collection was obviously a right which went with the title to the *montes*. This characteristic of the montazgo is evidenced in many of the later documents. It is necessary that these should be noted because of the appearance, early in the history of the Mesta, of the highly important factor of crown influence — a factor which soon became apparent in the fiscal matters of the sheep owners' organization, just as it did in the judicial affairs of that body. The failure to distinguish carefully between the local and the royal sheep taxes, between the montazgo and the very different *servicio y montazgo*, was to cause widespread litigation for the Mesta. This confusion even crept into the laws of that body, and, naturally

[1] The activities of the Mesta members in the local markets are discussed above. Cf. pp. 43 ff.

enough, has resulted in much obscurity in the views of recent writers on the subject.

The greater part of the work of reconquest and of driving the Moors behind the mountains of Granada had been completed by the campaigns of 1212–62. A strengthened kingship had been established over Castile, a kingship whose intentions toward centralization soon found expression in the compilation of codes and the creation of institutions of more than local importance, such as the Mesta. In the face of this tendency the towns were moved at once to secure renewals of their early privileges, especially those charters which embodied their right to levy taxes upon any supposed intruders, who, incidentally, were themselves now armed with royal privileges. The half dozen recognitions by the crown of such local tax prerogatives, which have already been cited from the period previous to the founding of the Mesta,[1] do not seem to have been inspired by any motives on the part of the recipients save the usual one of securing one of the customary royal confirmations of ancient fueros and privileges.

The rise of the Mesta gave the towns ample cause for anxiety over their montazgos; the terms of the litigations and privileges thenceforth were concerned with the establishment of the local rights to levy montazgos as against the Mesta's exemption from them. An understanding of the factors in this question of montazgo rights may best be obtained by an examination of some of the more notable controversies between various towns and the Mesta in their efforts to maintain their respective claims. The interesting phase of these early conflicts is the defensive and even cautious attitude of the towns, before the futility of Alfonso's pretensions at centralization had been proved. As soon as the feeble, vacillating character of the central government was demonstrated, there followed far bolder, more insistent, and much more frequent declarations of town rights regarding montazgos. The disorders late in Alfonso's reign, and under Sancho IV and Ferdinand IV, were to give the towns their desired opportunity.

The Mesta, under the protection of its royal patron, was not long in beginning its campaign to check the promiscuous exactions

[1] See above, pp. 168–169.

of local taxes from its members. In his famous code, the *Siete Partidas* (*ca.* 1256–63), Alfonso had already undertaken to regain for the crown a share of the returns from the local portazgos.[1] Urged on by the sheep owners, he now took further steps, ostensibly in the royal interest, to curtail the independence of the towns in certain fiscal matters which had long been exclusively local in administration. As was frequently the practice, Alfonso had farmed out various royal revenues to three Jewish financiers who acted as royal fiscal agents, especially in the collection of penalties from towns for violation of the newly granted tax exemptions of the sheep owners. Several of the towns had objected to the pretensions of the Mesta in the matter of this alleged privilege of free access to *montes* and other commons, which had hitherto been regarded as exclusively for local uses. These claims of exemption from montazgos were at once put to the test, and the sheep owners vigorously demanded the enforcement of the clause in the Mesta charter of 1273 which provided that no montazgos should be collected, save those guaranteed by a royal privilege from Ferdinand III, Alfonso's father. The initial steps in this direction were taken in 1276, when the king, acting on the incitation of the Mesta, placed these three fiscal agents in charge of the campaign against unauthorized montazgos.[2] The first of these agents, Don Zag (Isaac ?) de la Maleha, soon complained to his royal patron regarding the difficulties encountered in the enforcement of the arrangement; whereupon the royal entregadores were ordered to assist in the task, a further indication of coöperation between crown and sheep owners against the towns. Eigthy thousand maravedis was the price paid by the contractors for the concession giving them the exclusive right to prosecute unauthorized montazgo collectors during a two-year period. This figure, when interpreted by the prices of sheep and cattle cited above,[3] indicates the importance and prevalence of these supposedly illegal montazgos.

[1] See above, p. 165, n. 1.

[2] Acad. Hist., Mss. Salazar, est. 10, leg. 21: printed in part in *Memorial Histórico*, i, pp. 308–324.

[3] See p. 172.

The repression of these taxes was by no means so easy a matter as the above arrangement had presupposed. Controversies soon broke out, and it is interesting to note that the first of these should occur in the southwestern pasture region, the same Estremaduran district whence came the first successful efforts against the entregadores. Badajoz made the first attacks upon these itinerant justices in the mid-sixteenth century; but even in the first decades of the Mesta, that city was successfully making the pioneer stand for the towns against any modification of their ancient sheep-tax privileges. Badajoz had from time immemorial exercised the right of levying montazgos "on all animals that came from outside to pasture within the limits of its jurisdiction." [1] It was this right which the Mesta sought to overthrow shortly after Alfonso X had given the sheep owners their first charter; but their royal patron died before that object had been achieved, and his rebellious son, Sancho, in May, 1285, but a few months after his accession, recognized the right of Badajoz to collect the montazgo.[2] These times of internal disorders and uncertain central authority gave a favorable opportunity to the towns, and Badajoz, the leader of the pasturage-owning regions, had been the first to take advantage of Sancho's hostility toward his father, the founder and first patron of the Mesta.

During the next two generations, while the crown lost much of its prestige and was sorely troubled by the factious ambitions of dissatisfied nobles, the cities and towns were eager to exchange avowals of loyalty for recognitions by the sovereign of their montazgo privileges. The strong rule of Alfonso XI after he had attained his majority (1324–50) put a check upon this, and once more gave the Mesta its opportunity. The two previous reigns, however, of Sancho IV (1284–95) and Ferdinand IV (1295–1312), as well as the minority of Alfonso XI (1312–24), were interspersed with numerous grants of montazgo privileges.[3]

[1] Arch. Mesta, B–1, Badajoz, 1727: a lengthy and important suit regarding the montazgo question, in the course of which both sides introduced documents revealing the history of that tax from the earliest times to 1727.

[2] González, vi, p. 126.

[3] In 1285 Cáceres and Badajoz, important capitals of the western pasturage country, received confirmations of their montazgo rights and also of the exemption

It was but natural that these royal bids for local favor should have been sagaciously awarded to powerful cities and individuals whose support would be most helpful to the sorely harassed monarchy. Conspicuous among these were Badajoz, Cáceres, and Cordova, and the ecclesiastical dignitaries of Coria, Cartagena, and Seville. The prevalence of local sheep taxes throughout Castile during the reigns of Sancho IV and Ferdinand IV may

of their own sheep from all local taxes in other parts of the realm. Ulloa, *Privs. Cáceres*, pp. 127–128; Brit. Mus., 1321 k 6, no. 21, Badajoz: privilege to collect montazgos, 1285. This was confirmed by Ferdinand IV in 1301, and was supplemented by him in 1303 with a permit to collect another sheep tax, the *ronda*, a fee for maintaining on the outskirts of the city a mounted watch, or *ronda*, from whose protection passing flocks were supposed to benefit. A similar document, which was also typical of this period, was the privilege granted in 1284 by Sancho to the archbishop and chapter of the cathedral of Seville. This guaranteed, first, an exemption for the flocks of the chapter from montazgos in all parts of the realm, and secondly, the right of the chapter to collect tithes on all sheep visiting the jurisdiction of Seville. Acad. Hist., Ms. 25–1–C 12, fols. 432–433. See below, p. 242, on the Mesta and ecclesiastical tithes, or *diezmos*. A like guarantee was given by Sancho to the cathedral of Cartagena in 1292, which was confirmed in 1309 by Ferdinand IV. Ibid., fols. 462, 582–583. Another ecclesiastical beneficiary of this growing practice was the bishop of Coria, who in 1285 obtained from Sancho a noteworthy privilege. Ibid., Ms. 25–1–C 8, fols. 93 ff. Coria, like Badajoz and Cáceres, was an important town in the western pasture regions. It is deserving of comment, first, because it was one of the very few instances of an exemption in favor of the flocks belonging to a single individual, for the document was granted to the bishop himself as ' councillor of the queen ' and not as the representative of his chapter. Secondly, this document is worthy of attention because of the striking parallel between its terms and those of the Mesta charters of 1273 and 1276. The early privileges of the Mesta often supplied phrases and sentences for later documents on questions of pastoral rights; but the accuracy with which this grant to the bishop of Coria reproduces several of the more essential clauses of the Mesta's charters cannot have been purely fortuitous. It is true that certain general phrases in the law of the *Partidas* (*ca.* 1256–63) regarding " the manner in which privileges to migratory sheep are to be granted " were frequently copied in subsequent documents of this type. The Order of Calatrava received a sheep privilege of this type in 1264, based upon the above mentioned law. *Bull. Ord. Milit. Calat.*, p. 167. In the instance of this Coria privilege, however, certain clauses relative to exemptions from local taxes seem clearly to have been taken from the Mesta charter of 1273. The Coria privilege even goes so far as to assign the royal entregadores, the judicial protectors of the Mesta, as guardians of the favored bishop's interests. Further instances may be briefly cited as evidence of the unusual activity of the towns and great ecclesiastics in establishing their titles to local sheep tolls during this period. In 1289 the towns of Lara and Covarrubias agreed upon the use of certain *montes* lying between them and upon the montazgos which they were to pay each other. *Fuentes para la Historia de Castilla* (1906–10, 3 vols.), ii, p. 134. In 1288 Cordova ob-

be best demonstrated by a partial list of the localities which received privileges involving the collection of montazgos: [1]

1284 Seville
1285 Badajoz
1285 Aguilar del Campo
1285 Cáceres
1285 Soria
1285 Bishop of Coria
1286 Dueñas
1287 Brazacorta
1287 Pineda
1288 Cordova
1289 S. Pedro de Palmiches
1293 Pareja
1293 Order of Calatrava
1294 Úbeda
1295 Jaraicejo
1297 Valladolid
1297 Brazacorta
1299 Gómara
1299 Pineda
1301 Cáceres
1303 Villalón
1305 Almazán
1305 Aguilar
1309 Sepúlveda
1311 Cuenca
1312 Ojacastro

It will be observed that these twenty-seven privileges, granted during twenty-nine years, are almost equally divided between the two reigns. These figures acquire special significance when placed beside those for the succeeding reign of Alfonso XI (1312–50), when but five such documents appeared during thirty-eight years.[2] It is quite evident, then, that the towns took full advan-

tained a recognition of its right to levy montazgos. Brit. Mus., 1321 k 6 (22); confir med in 1386 by Henry II, upon payment of 20,000 maravedis. The monastery of Santa Maria de Brazacorta had the right to take one sheep from each migrating *mano* (small flock), and ten maravedis from each herd of cows or horses which passed by the establishment. Acad. Hist., Docs. Monast. Suprim., no. 213 (1287–89), confirmed in 1297 (no. 216), 1379 (no. 219), and 1393 (no. 220). The towns sometimes guaranteed or recognized each other's title to montazgos in their respective woodland pastures, quite without any royal sanction. *Fuentes para la Hist. de Castilla*, ii, p. 134: an agreement made in 1289 between Lara and Covarrubias. See González, vi, pp. 299–300, for a similar arrangement between Albacete and Chinchilla in 1375.

[1] While making no pretence at completeness, this list represents an extensive search through most of the collected town ordinances and fueros, both in print and in manuscript. The items which it lacks would not materially influence the conclusions here presented, save to reiterate and strengthen them. This list is compiled from González, v and vi, *passim*; Ulloa, *Privs. de Cáceres*; Arch. Cuenca, Becerro, fols. 141–143; Acad. Hist., Ms. Salazar, i, 41, Ms. Colec. Fueros Privs., i, ii; Brit. Mus., Mss. Eg. 493, fols. 85–96.

[2] Cáceres (1317), Alcaudete (1323), Lazariegos (1326), Yanguas (1347), and Alcalá de Benzaide (1345). The same sources were drawn upon for these as for those just cited. Here again the qualification must be made that this list is illustrative rather than complete, though it is significant that the sources for the reign of Alfonso XI, especially those in manuscript, are far more extensive than those of the two previous reigns.

tage of the turbulence and the uncertain strength of the central authority of the realm in order to secure guarantees of their sheep taxation in exchange for their much needed support against the enemies and rivals of the crown. This resulted, naturally, in the discomfiture of that new ward of the sovereign, the Mesta, which had to seek elsewhere for protection.

The royal power and inclination proving far too uncertain a refuge, the Mesta sought the protection of the Cortes, usually through the members from Soria, Segovia, and the other sheep-raising centers. At the session of that body in 1293 at Valladolid the sheep owners' organization succeeded in having a law passed to the effect that " every town council, whether on the lands of a military order or not, shall keep its territory clear of thieves and bad men; and if any damage is done by the latter, compensation shall be made by the town council to the owners [of the damaged property]; and no *ronda* shall be collected by the towns from the passing sheep." [1] This petition was renewed in 1299.[2] In other words, the Mesta members were not to be assessed for the maintenance of police and rural guards by the towns along their marches. It was added, however, that the clause requiring the town to reimburse the owner of pillaged flocks should not apply to losses at the hands of the *golfines*, a class of roving brigands whose uncertain habitat placed them outside the control or responsibility of the towns.[3] At the Cortes of Zamora, in 1301, the question of unjust *diezmos* (tithes) and montazgos was brought up by deputies representing sheep-owning constituents. The complaint was made that " many more places are now collecting these [taxes] without right or title, and those towns whose collections are legalized are far exceeding the authorized rates." [4] Certain modifications were therefore authorized by the Cortes, especially in the levies on lambs and wool. These efforts on the part of the Mesta to check the spread of local taxes on migrants continued during the minority of Alfonso XI (1312–24). The

[1] *Cortes*, Valladolid, 1293, pet. 10.

[2] Valladolid, 1299, pets. 9–10. On the *ronda*, see below, p. 428.

[3] See above, p. 89, n. 2, for a discussion of the *golfines* and the jurisdiction of the entregadores over them.

[4] *Cortes*, Zamora, 1301, pet. 34.

disordered condition of the central government gave the local authorities further opportunities to strengthen their control of this form of revenue. In the Cortes at Palencia, in 1313, at Burgos in 1315, and at Valladolid in 1322 and 1325, petitions were presented in behalf of the Mesta, asking that no local taxes on migrants be recognized as legal unless dating from the times of Alfonso X or Sancho IV.[1] Appeals from the Mesta to the crown were of little avail during this period, for, according to statements of Cortes members, the royal authority was quite ineffective in controlling even its own collectors of sheep taxes, to say nothing of any attempt to regulate the operations of the local revenue officers.[2]

The influence and the prestige of the Mesta had had no opportunity as yet to rise to any conspicuous heights. The local units of jurisdiction — towns, bishoprics, military orders — had the upper hand, and were therefore able to establish their control over the montazgo right. This tax had thus come to be associated exclusively with the use of local pasturage. Its earlier toll purposes had disappeared, and, largely through the aggressive action of the towns during this period of weakened or uncertain royal power, the montazgo had become a purely local tax irremovably attached to the ownership of the pasturage.

The controversy between the town council of Cáceres and the church of Coria, which was fought out during this period (1300–24), illustrates the change in the character of the montazgo, and presents certain typical aspects of local taxation in the much frequented western pasturage region.[3] Both parties claimed the right to collect montazgos on the migratory herds which visited the pastures of a certain area lying in the jurisdiction of Cáceres. Coria collected a toll of the animals while they were en route across its lands, while Cáceres levied its dues on the same flocks for their continued use of town pasturage; and both forms of exaction were called montazgo. In order to perform their work

[1] *Cortes*, 1313, pet. 35; 1315, pet. 43; 1322, pet. 65; 1325, pet. 30.

[2] *Ibid.*, Medina del Campo, 1318, pet. 16; Valladolid, 1322, pet. 64.

[3] Ulloa, *Privs. de Cáceres*, pp. 164–167; Bib. Nac. Madrid, Ms. 430, fols. 151–155.

effectively, Coria's officers were intercepting the herdsmen at their destination, namely on lands of Cáceres, to make sure that all had paid the toll in passing. It was against this trespass that the latter town protested, and in proof of its rights there was cited a recognition of its montazgo privilege by Alfonso VIII, who won the town from the Moors in the latter part of the twelfth century. This ancient montazgo was "two sheep from every flock and five swine from every drove . . . to be collected weekly until the animals left the town lands." The latter clause suggests the penal attitude of the older montazgos.[1]

In the final decision of the queen regent and her counsellors, who heard the case, it was clearly indicated that the montazgo was now recognized as a tax paid to towns for the use of their pasturage, and not a toll payable to the lord of any given point along the march of the sheep. Cáceres, as the owner of the pastures, was the rightful collector of the montazgo of this district, as against Coria, whose claim to such a tax rested solely upon the control of wayside toll points.

So widely had this case been accepted as a precedent, that when Alfonso XI and his successors came to assert themselves and to strengthen certain claims of the royal exchequer upon the migratory flocks, they found the towns in full control of all pasturage taxes on the sheep.[2] The crown had, therefore, to resort to an extension of the royal *servicio de ganados*, or subsidy on cattle and sheep, which had been created by Alfonso X in 1270. In 1343, Alfonso XI, with characteristic vigor, took over certain local montazgos, combined them with the *servicio*, and thus there arose the royal *servicio y montazgo*.[3]

The strong and able kingship of Alfonso XI, who attained his majority in 1324, was marked by two characteristics in the matter

[1] Compare the law of Cuenca, "expelling strange sheep from the town lands at once, but without injury" (1268).

[2] The recognition of the right of the pasturage towns in Estremadura to these taxes is shown in the wording of the protest of the Mesta against the *ronda* and other local dues in the Cortes of Valladolid in 1325 (pet. 30). After the usual protest against the injustice of these local taxes, the sheep owners acknowledge that 'those towns in Estremadura which had had these taxes [previous to the present reign] were entitled to continue them,' an admission hitherto not thought of.

[3] See below, p. 261.

of local sheep taxes. First of all, there was a noticeable lack of royal recognitions of town titles to such taxes. As was indicated above, but four or five such documents are noted during the twenty-six years of his personal rule, as contrasted with the nearly annual occurrence of these recognitions during the two previous reigns. None of those granted by Alfonso XI was more than a perfunctory confirmation of older privileges, which only incidentally applied to sheep taxes.

The second characteristic of this sovereign's position in the fiscal history of the Mesta was his exercise of royal powers in supervising the administration of these local taxes. Although unable to dislodge the now firmly established practice of the assessment of montazgos by towns, military orders, and other landowners, he undertook to regulate and restrict them through various crown officers. His favorite instruments in this work were naturally the royal entregadores, the judicial protectors of the Mesta. It will be remembered that these magistrates were crown appointees, serving under the direct supervision of the king, to whom, in the years of such able monarchs as Alfonso XI, they were directly responsible. The royal sage of the previous century, the founder and first patron of the Mesta, had, at the beginning of his reign, taken the first steps toward regulating local sheep taxes by codifying such fiscal operations of the military orders. Alfonso X's code of 1253 had its counterpart in Alfonso XI's decree of 1328.[1] Both were royal prescriptions of the montazgo rights of the military orders. Theoretically the latter was intended merely as a supplement to the former; but as a matter of actual practice, it embodied the necessary steps for the first real enforcement which the older measure had known. The essential feature of the decree of 1328 in this respect was the appointment of two 'entregadores of the shepherds, acting for the king, who were to see to the enforcement of the original montazgos of two sheep from every thousand.' There is no mention of any *com-*

[1] Arch. Hist. Nac., Mss. Calatrava, Docs. Particulares, no. 221. Alfonso was then in his sixteenth year, but the vigorous lines of his later policy were already being planned out by his advisers and were soon to be taken up by the precocious young sovereign himself.

pañero, or local justice to sit with these two as the representative of the military orders. The procedure was, therefore, not a trial in the usual joint court of entregador and local judge, but an executive measure under royal authority. The two entregadores made some needed modification of the earlier schedules of local dues, by providing for the payment of two sheep per thousand as a "*ronda* to pay for guards against the *golfines*," since the depredations of these marauders had come to be chiefly raids upon the migrating flocks.[1]

There had been previous attempts by the crown to use the entregadores in checking local sheep taxes. In 1276 Alfonso X had ordered these itinerant justices to assist in a campaign against illegal montazgos;[2] Sancho IV and Ferdinand IV undertook to do the same in 1285 and 1295, but all of these decrees were little more than formalities — compensations to the Mesta for the many local sheep-tax privileges then being confirmed by the king.[3] It was left to Alfonso XI to take up the matter in 1335 in a decree which attacked with considerable vigor the spreading practice of taxing passing flocks.[4] The entregadores were to stop all illegal montazgos, and heavily augmented penalties were fixed for any violations of their mandates. In addition, it was carefully specified that copies of this decree were to be carried by Mesta members while en route, and were to be regarded as having the same authority as the original with its royal signature. This last provision was, naturally, of special importance to the migrating herdsmen.

It should not be understood that Alfonso XI inaugurated a campaign of wholesale confiscation of local tax privileges. Indeed, the justice of his attitude and the fairness of his decisions between Mesta and townsfolk were all the more striking because of the rarity of those virtues in that unscrupulous age. Alfonso was well aware of the tempting possibilities of the Mesta as an instrument for the aggrandizement of centralized administrative power; nevertheless his right to that well earned title *El Justiciero*, the Doer of Justice, is convincingly demonstrated in his

[1] See above, p. 89, no. 2.
[2] See above, p. 180.
[3] *Quad. 1731*, pt. 1, pp. 16–18.
[4] Arch. Mesta, Privs. Reales, no. 6.

replies to the Cortes' petitions in 1339 and 1349 regarding the taxation of the migratory flocks. These answers were exceptionally fair compromises, which displayed the monarch's due appreciation both of the interests of an important industry and of the ancient town privileges.

At the session in Madrid, in 1339, the Mesta had, through its spokesmen, the deputies from Soria and Segovia, introduced a petition asking that 'the many new montazgos recently introduced by the towns should be stopped, and that none be allowed, save those authorized by Alfonso X or Sancho IV.'[1] The king's reply to this was not a cheerful assent, after the fashion of his predecessors and successors. Instead Alfonso XI pointed out that the montazgo was a tax founded on custom and should therefore be respected. He then declared that the collection of the montazgo should be upon a fair basis: neither favoring the Mesta by arbitrarily extinguishing old customary sheep taxes, nor submitting to the towns with any sweeping indorsement of all montazgo collections.

In the same Cortes of 1339, the Mesta undertook to have recognized as legal only those montazgos that were levied on the southward trip. This the king indorsed, with the qualification that if certain royal sheep tolls were not collected on the southward migration, they should be levied when the sheep started northward, "in order that the king should not lose those revenues to which he was entitled.'[2] In 1343 the Mesta asked that the towns collect no almojarifazgos[3] from its members, save at the points on the cañadas where such collection had been made of old. To this the king cautiously replied that 'they should first show him where these taxes were being newly levied, and then he would take steps to guard their [the Mesta members'] rights.' In the same Cortes, the sheep owners petitioned that those places which collected montazgos and other taxes should present the evidences of their authority, whether these evidences be charters, or privileges, or customary rights. This proposal to place all local tax privileges on trial was answered in a characteristically

[1] *Cortes*, Madrid, 1339, pet. 4.

[2] *Ibid.*, pet. 28.

[3] See below, p. 424.

judicial tone: "Any one who has a complaint should lay it before us and we shall settle it as we ought." [1]

The most significant step in the reign of Alfonso XI in the matter of local sheep taxes was contained in the royal privilege issued at Villa Real in January, 1347.[2] This decree stipulated that no tax, royal or local, should be collected from the sheep in the demesne of the king unless it were by a crown officer. This checked a considerable number of illicit local dues levied by town authorities whose bailiwick lay in crown lands. It was, in fact, a sequel to the royal decree of 1343, which secured the king's title to the montazgos in the towns on his demesne.[3] This measure is of vital importance in the history of the crown's pastoral incomes because, though it was not the first royal sheep tax, it was the initial step whereby certain local montazgos, especially those levied on the old basis of tolls on passing sheep, instead of as pasturage dues, were taken over by the crown. From this arose the *servicio y montazgo*, the royal tax collected at toll gates along the sheep highways.[4]

The decree of 1347 also provided that the seizure of shepherds by town collectors, in default of taxes, was to be prohibited, except for the personal debt of the one seized, or for a forfeiture of bond by him.[5] The exemption from taxes on grain and other provisions, as expressed in the charter of 1273, was reiterated, and extended to include the right to cut wood for the construction of pens, without the payment of local taxes.[6] The shepherds

[1] *Cortes*, Madrid, 1339, pet. 11. See also Alcalá, 1348, pet. 43.

[2] Arch. Mesta, Privs. Reales, no. 7.

[3] Part of these newly acquired montazgos were farmed out to the military Order of Calatrava, which was given permission to collect 700 sheep each year, at the usual montazgo rate of 2 per 1000, along the cañada leading from Orgaz (near Toledo) across La Mancha to Baeza. This privilege was granted in recognition of its services in suppressing the *golfines*. *Bull. Ord. Milit. Calat.*, pp. 201–202, confirmed in 1477, pp. 276–277.

[4] See below, pp. 261 ff.

[5] This declaration was later made the basis of the decree that the Mesta was not to be held responsible for the debts of any of its members, nor were the members to be seized for any obligations of the organization. *Quad. 1731*, pt. 1, pp. 59–60 (provision of 1594).

[6] This was later extended to allow the unrestricted trimming (*ramonear*) and felling of trees for fodder in times of drought. *Quad. 1731*, pt. 1, pp. 65–67 (1529,

were also be to exempt from the *quinto*, a form of penalty for trespass.[1] This charter of 1347 was, like the decree of 1328, to be enforced by the royal entregadores, a provision which gave the final touch to a measure intended solely as a renewal of the royal patronage over the Mesta.

In general, the chief contribution in the field of local sheep taxes during this important reign may be summarized as an emphatic demonstration of the royal powers and prerogatives over local fiscal privileges. The outstanding characteristic of this period was the greatly enhanced prestige of the sovereign. Whether we ascribe this to the personal merits of the king, or to the position achieved by him through his two great victories over the Moors,[2] is of little importance. His military triumphs may have been as much the result as the cause of royal supremacy over local interests and the old forces of separatism. Alfonso XI's great work, as one authority has correctly observed, was "the political and administrative organization of the country, in continuation of the intention and effort of his great-grandfather, Alfonso X, with better fortune than the latter and on a much larger scale."[3] No better proof of this could be desired than Alfonso XI's attitude and accomplishments in his dealings with local sheep taxes. As an initial measure he renewed the montazgo rates of the code of 1253. Furthermore, as his reign progressed he assumed an attitude on the taxation complaints made in the Cortes on behalf of the Mesta which was eminently fair to

1539, and 1638). Abuses of this privilege resulted in serious deforestation. See pp. 306–308, 320–322.

[1] See below, p. 237, n. 4, on the later history of the *quinto* or *quinta*. The name was sometimes used with reference to the disposition of parts of an estate. Cf. *Nov. Recop.*, lib. 10, tit. 20, leyes 8, 9; *Fuero Real*, lib. 3, tit. 12, ley 7, and tit. 5, ley 9; *Leyes de Toro*, leyes 28, 30.

[2] The battle of Rio Salado, 28 Oct., 1340, said to have been the first European conflict where cannon were used (but cf. Stephens, *Portugal*, p. 113, with a reference to the battle of Aljubarrota, 1385), and the victorious siege of Algeciras, 1344, which so stirred Christendom that warriors came from all sides to participate in it. It even attracted Chaucer's " verray perfight, gentil knight " who " in Gernade atte siege hadde he be of Algesir." *Canterbury Tales*, Prologue, verse 57.

[3] Altamira, *Hist. de España*, i (ed. of 1909), p. 596. This policy reached its climax in the *Ordenamiento de Alcalá* (1348), which put into force Alfonso X's *Partidas* (*ca.* 1256).

both parties, with due regard for royal interests and prerogative. At the same time, his appreciation of the Mesta, as a power working for, and dependent upon, centralized authority, was emphatically expressed in the charter of 1347. In this document, as well as in the earlier decree of 1328, the use of the royal entregadores as the enforcing agents showed clearly the intention to draw the Mesta closer to the crown.

Thus did Alfonso XI carry out the ideals of his great-grandfather, the royal sage. The Ordenamiento of 1348 made real the Partidas of the previous century, and the decree of 1347 gave substance to the theories and principles of the charter of 1273. Local montazgos were accepted as just, when based upon custom. Over and above this conclusion, however, stood the greater one, that the Mesta, in its security against unjust town taxes, was under the special protection of the king. This theory found effective expression in the confiscation by Alfonso of all montazgos collected by towns on his demesne, the justification of this measure being rightly based on the ground that such taxes went with the ownership of the land. With such effective royal patronage as this, it was only natural that the Mesta should soon feel itself in a position to bid defiance to its ancient enemies, the towns and the agrarian interests. Thenceforth the pastoral history of Castile involved less and less the question, How much will regional prerogative and local jurisdiction concede to this nationalizing pastoral organization? The problem thereafter stood out more and more clearly as, How far will the Mesta permit the exercise of local autonomy in fiscal and agrarian affairs?

Twelve decades and more elapse from the death of Alfonso XI (1350) to the accession of Ferdinand and Isabella (1474), and all but two or three of the twelve were given over to the disordered and enfeebled reigns of weaklings or perverts. The few brief respites are all the more conspicuous because of their isolation — the reign of Henry II (1369–79), the years of Henry III's maturity (1393–1406), and the regency of Ferdinand, grandfather of Isabella's husband, for the youthful John II (1406–12). Lying like barren wildernesses between and about these isolated periods were the troubled years of Peter the Cruel (1350–69);

the weak, mild sway of John I (1379–90), made more dreary by the disastrous defeat at the hands of the Portuguese at Aljubarrota in 1385; the turmoil of Henry III's minority (1390–93); and then the long years from John II's accession (1412) till the death of Henry IV (1474). It was an epoch of meaningless civil wars, intrigues and wrangles of nobles, and shrewd schemings of the favorite Álvaro de Luna, all of which reached a climax in the pitiable helplessness and debauchery of Henry IV, the Impotent, — a bleak picture, the dreariness of which was intensified by its contrast with the brighter years which stood on either side. It is, therefore, not to be expected that any material advance should have been made during this long period toward the further regulation and standardization of the local sheep taxes. Nevertheless certain important decrees were introduced during the wise regency of Ferdinand. Furthermore, during the reign of Henry IV the rising strength of the Mesta, under the able leadership of powerful nobles, asserted itself in some notable constructive measures intended to curb the local tax collectors and to concentrate under the crown all of the financial obligations of the sheep owners.

This process of concentration exactly suited the Acuñas and Orozcos, the great families whose proprietorship of the entregador appointments gave them control of the Mesta. In the previous period, royal weakness meant the unhampered extension of local sheep tolls. The strong rule and effective reforms of Alfonso XI had materially modified the situation, and had given the Mesta a commanding position which it had hitherto not enjoyed. The industry had been aided by other circumstances as well, among these being the Black Death, the effects of which upon the increase of available pasture lands will be discussed in a later chapter. The decrees of Alfonso XI, by which the administration of local sheep taxes was placed in the hands of the entregadores, soon became a decided check upon the zeal of the towns. More especially did this step result in the enhancement of the prestige of the Mesta and its judiciary. When, in later reigns, the sovereign was incapable of effective action against the local authorities, the Mesta and its entregadores, led by the titled

proprietor of the latter office, promptly applied the training which Alfonso XI had given them.

This, then, is the real significance of the history of the contentions between migratory sheep owners and local landowners during the turbulent years from Peter the Cruel to Henry the Impotent — the Mesta took into its own hands the regulation of local sheep dues, and the period closed with that organization in an independent and commanding position, both in its local and its royal fiscal obligations. The developments of this episode of local sheep taxes assume a significance beyond the restricted limits of pastoral history, because they present an unbroken series of correlated events through a long, confused, and disconnected epoch in Spanish history. The importance of this period is only to be understood when it is viewed as a whole, as the Spanish Wars of the Roses: a long prelude, with occasional interruptions by brief years of able government, out of which there emerged the autocratic unified monarchy of Ferdinand and Isabella.

The period is replete with royal recognitions of local taxation rights, just as was the case with the unsettled era before Alfonso XI; and once more the motives which prompted these recognitions are interesting because of the explanations to be found for them in contemporaneous events. The wars between Peter the Cruel and Henry of Trastamara were productive of several such guarantees of local sheep taxes or of exemptions for the sheep of various favored towns. These were awarded in exchange for assistance rendered to one or the other of the contending parties.[1]

The difficulties of Peter the Cruel gave the towns ample opportunity to press their claims for a restoration of their montazgo rights, which had suffered so seriously under Alfonso XI's vigorous measures for centralization. In general the larger cities especially had profited by the perils that threatened the crown, and through various court rulings and royal decrees they had secured at least a limited restoration of the dues which had been taken

[1] Privileges to Zamora (1355), Pola de Siero (1370), and Viana del Bollo (1372), and others, in González, v, vi, *passim*. Many of these exemptions applied especially to the *alcabala*, or royal tax on sales, supposedly created by Alfonso XI to finance the siege of Algeciras (1344).

from them during the previous reign. Peter had not been on the throne a year before the towns, in the Cortes at Valladolid in 1351, declared that ' their ancient montazgos . . . which were guaranteed by fueros, privileges, and custom, had been taken by the king [Alfonso XI], for himself . . . and the said towns had in consequence been injured.' [1] Therefore it was asked that these taxes be restored to the towns. To this the crafty Peter replied that he would like to examine such town fueros as were supposed to authorize these montazgos, and then he ' would do what seemed just in the matter.' Two years later a test case was brought up in a suit of the town of Cuenca against the royal collectors of sheep taxes in its vicinity.[2] The former contended that the montazgo was a purely local sheep tax, payable to town officers who administered the public pastures, whereas the latter based their claims to " the montazgos . . . and all other sheep taxes, both local and royal, in the bishopric of Cuenca " upon the centralizing measures of Alfonso XI. The case was carried before the king, who, after much weighing of the respective advantages to himself of increased revenues and of local allegiance, hit upon a compromise by recognizing Cuenca's title to the sheep taxes levied within the town limits, which left to the royal exchequer all local sheep dues in the rest of the bishopric. This decision was a precedent for others, which acknowledged the claims of the larger cities but ignored the privileges of the smaller ones.

Henry II's first efforts were concentrated upon gaining the confidence and much needed support of the towns.[3] Conspicuous evidence of this policy is found in his early indorsements of the authenticity of many local sheep tax privileges and exemptions.[4]

[1] *Bull. Ord. Milit. Calat.*, p. 201 (1343); *Cortes*, Valladolid, 1351, pet. 60.

[2] Arch. Cuenca, leg. 5, no. 6, 1353.

[3] Among the measures enacted with this object in view were: first, the admission of twelve town representatives to his royal council (*Cortes*, Burgos, 1367, confirmed at Toro, 1369); secondly, regulation of wages, prices, and hours of labor in accordance with the petitions of town members; thirdly, the reduction of the judicial powers of the nobles and the foundation of the *audiencia*, which later became the *chancillería* of Valladolid, the highest civil court of Castile; and fourthly, the destruction of fortified strongholds of the nobility (*Cortes*, Toro, 1371).

[4] González, v, pp. 209–212 (1371), 341–342 (1370), 354–356 (1372), 368–370 (1379), 357–358 (1372), 649–654 (1373); vi, pp. 187–189 (1369), 294–295 (1370–

Occasionally the reasons for these grants were specified, but usually they were simply designated as confirmations of long-standing local privileges. However, Henry's keen eyes were by no means blind to the dangers of too liberal a policy in this direction.

While quite ready to assist the towns in their struggles against the nobles, he was by no means willing to alienate the advantages and powers which the work of his father, Alfonso XI, had drawn to the crown. This is well illustrated by his attitude toward the Mesta in the course of one of the most crucial legal conflicts of its long career, namely that which was begun before the king and his council in 1376 regarding the montazgos collected from migrating flocks by the archbishop of Toledo.[1] The royal decision in this case declared that no landowner however powerful, whether a noble, a great ecclesiastic, or a town, was to collect more than one such tax in any given season from a migrating herdsman, no matter how often the latter's flocks might recross the lands of the collector's estates. This decision, which brought to life once more the long-forgotten principle of "one jurisdiction, one montazgo," serves as an important precedent in over two hundred cases during the succeeding three centuries.

Henry's patronage of the Mesta may, therefore, be taken as of unusual significance in the history of that body, especially in regard to its relations with local revenue officers, both civil and ecclesiastical. The royal power, which was so constant a refuge for the Mesta, was doubly appreciated because of its manifesta-

71), 299–300 (1375). Cf. *Boletín Acad. Hist.*, lxiv, pp. 212 ff.: portazgo exemption. Most of these were granted as rewards for services against Peter and other rebels, or for aid in crusades against the Moors.

[1] Arch. Mesta, T–2, Toledo, 1376 ff.: a portfolio containing the documents of fifteen cases regarding fiscal relations between the Mesta and this archbishopric, during the years 1376 to 1658. In 1371 Henry had already ordered fiscal agents on the royal demesne to collect only one montazgo — that on the southward march of the flocks. Cf. Arch. Mesta, Privs. Reales, leg. 5, no. 1. During the civil wars of 1350–69, the archbishop had taken advantage of the discomfiture of many of the nobles in his extensive jurisdiction, and had advanced his claims to several of their tolls on passing flocks. This at once aroused the vigorous opposition of the Mesta, and, because of the prominence of the parties and of the issue, the case was heard by the king and his council. After a long and acrimonious suit, the notable sentence described above was handed down in favor of the sheep owners.

tion in the midst of these troubled times, especially since it expressed itself as the protector of the sheep owners against the fiscal claims of so powerful an individual as the primate of Spain.

Early in his reign (in August, 1371) Henry had taken the first favorable opportunity to renew the various charters of the Mesta. Particular care was taken to confirm the important fiscal clauses of the decree of 1273.[1] In fact, his whole attitude toward the Mesta in the question of local taxes gave strength and official sanction to the now determined contentions of that body. The aggressive measures initiated by sheep owners and entregadores during the unsettled years of Peter's reign were now encouraged and redoubled.

The weak, mild rule of John I (1379–90) gave the towns an opportunity to retrieve part of the ground which they had lost during the latter part of the reign of Henry II. They soon returned to the prominent position accorded to them because of the urgent needs of the crown during the recent civil wars. Then there arose the usual inevitable confusion of contradictory tax exemptions and privileges. The significance of these decrees soon dwindled and the long lists of curiously named tolls and dues enumerated in them are of little interest, save, perhaps, as stimulants to the agile surmises of historically minded philologists.[2]

The town deputies at the Cortes of Burgos (1379), of Briviesca (1387), of Palencia (1388), and of Guadalajara (1390) soon won from the king various concessions which reduced the political

[1] Arch. Mesta, Privs. Reales, leg. 1, no. 1. This confirmation of 1371 is the oldest original document in the Mesta archive, though, of course, there are copies of many earlier sources. So far as original materials are concerned, the archive begins with a good collection for this reign. Alfonso XI, or one of his predecessors, may have been responsible for the origin of such a collection, every vestige of which disappeared during subsequent civil wars. It seems more probable, however, that Henry II, in addition to his other assistance to the sheep owners, gave encouragement to the beginnings of what became the Mesta archive. The first references to an archivist come a few years later, in the early part of the fourteenth century. See Bibliography for further comments on the development of the collection.

[2] In addition to the almost universal montazgo and portazgo, many new sheep taxes, fines, and tolls were levied during this period, and the town ordinances of the early Middle Ages were searched for ancient imposts which might be revived. See Glossary, pp. 423–428.

and judicial powers of the nobles, and even, in some instances, of the crown itself. At Burgos they demanded restoration of the montazgos which had recently been taken from them by Henry II at the instigation of the Mesta.[1] To this, John I replied with an evasive allusion to the recognition of all such sheep taxes as were legal under the king, his father. While this was not entirely satisfactory to the towns, it showed the unwillingness of the crown to support the Mesta as vigorously as Henry had in 1376 and after.

The towns immediately proceeded to take advantage of this circumstance. In several places they won back from the crown the sheep tolls levied by royal officers, on the ground that such tolls were the local montazgos temporarily taken over by the king. In 1380, for example, the bishop and chapter of Coria made effective use of this argument and reëstablished their old rights, which had been hampered by Cáceres in 1317.[2] This they accomplished by the simple measure of inducing the crown to hand over, for a consideration, the royal sheep tolls or *servicio y montazgo* to the extent of 3000 maravedis, to be collected by Coria each year from the passing flocks. The step thus taken 'restored to Coria her ancient montazgos, which the king, Alfonso (XI), had taken unto himself.' We have, therefore, a temporary reversion of royal sheep tolls to their original condition of local assessments. This situation recalls the fiscal history of Navarre and Valencia,[3] where the decadence of royal power caused various sheep taxes to slip through the weakened grasp of the central authority and to revert to the towns. This precedent of Coria was soon followed by other cities.[4] Nobles also began to assert their claims to long extinct montazgos, and to renew them, not as pasturage taxes, but in their old form, as tolls on passing flocks.[5]

[1] *Cortes*, Burgos, 1379, pet. 21.

[2] Acad. Hist., Ms. 25–1–C 8, fol. 202. Badajoz secured a similar confirmation of its montazgo rights in 1386. Brit. Mus., 1321 k 6, no. 22. See above, p. 185.

[3] See above, pp. 150–152.

[4] Acad. Hist., Ms. 25–1–C 14, fols. 98–101: a guarantee of a montazgo privilege for Cordova in 1381, by which it was authorized to collect 6000 maravedis out of the royal sheep tolls in its vicinity each year, for the maintenance of its walls and fortifications. Arch. Cuenca, Becerro, fols. 128–130 (1386): a complaint of the suburbs of that city against new sheep tolls collected by its officers.

[5] Arch. Osuna, Mendoza, caj. 14, leg. 1, no. 8 (1382): a renewal of such a toll by Gonzalez de Mendoza at Guadalajara.

In the meantime, however, the Mesta was far from idle. During the confusion of the recent civil wars, its members from Cuenca had been compelled by the military orders to pay several new montazgos; but in 1379 the sheep owners made a vehement protest to John through the entregadores, and the tax was ordered discontinued on the ground that it had been levied "more by force than by law." [1] In the same year the Mesta, acting once more through its entregadores and its friends among powerful nobles, induced the king to restrict the activities of the royal customs officers on the frontiers. The zeal and avarice of those dignitaries had made them as much of a menace to the Mesta's movements as were the local tax collectors.[2] The success of these measures promptly brought other proposals. In 1380, at the earnest solicitation of the Mesta, the montazgos of the important winter pasturage district of Murcia were systematized and made uniform.[3]

The war with Portugal, which culminated in the disaster at Aljubarrota in 1385 and the invasion of Castile by the Portuguese and English, called from the Mesta a plea which often appeared in later wars. The invading army, it was alleged, played havoc with the migrants on their southward marches by driving the sheep from their accustomed routes and pastures, thus bringing them into contact with strange towns which promptly assessed the visitors with portazgos and other local dues. Pressure was

[1] Arch. Cuenca, leg. 3, no. 14. Cuenca and the Mesta pointed out that these taxes were begun during the disordered conditions of the times of Alfonso XI's minority. They had fallen into disuse when that king came into power, only to be revived during the wars between Peter and Henry II.

[2] Arch. Mesta, Privs. Reales, leg. 3, no. 1. See below, p. 256.

[3] Bib. Nac. Madrid, Ms. 13126, fol. 110. Five toll points were named: Chinchilla, Almanza, Jorquera, Zarra, and Yecla. For sheep the rate was 5 per 1000 for montazgo, and 1 per 1000 for *asadura*, a local tax taking its name from the fact that it was originally collected upon or in the form of the viscera (*asadura*) of dressed carcasses. Cf. a fuero of Sepúlveda (late thirteenth century), Acad. Hist., Mss. Fueros, Privs., etc., i, 73 ff.) which fixed a "tax of half a *mencal* on every *asadura* of ox or cow." The *mencal*, *metcal*, or *mitical* was a small silver coin in common circulation in Christian Spain during the eleventh and twelfth centuries. It was displaced by the maravedi, which is said, by some writers, to have been originally the *mencal*, though Covarrubias (*Tesoro Leng. Cast.*, Madrid, 1611, *s.v. mitical*) gives it the value of thirty maravedis. Cf. Vives, *Moneda Castellana* (Madrid, 1901), pp. 15, 18, 24; Dozy and Engelmann, *Glossaire des Mots . . . de l'Arabe* (Paris, 1869), p. 315.

promptly brought to bear upon the deputies in the Cortes of 1386, which, happily for the herdsmen, met at Segovia, one of the four strongholds of the Mesta. A petition was introduced asking that the flocks be excused not only from local but also from royal dues along these emergency routes, so long as there was no trespass upon cultivated enclosures.[1] The willing sovereign granted this without reservation, thus creating a valuable precedent to which the Mesta recurred on several subsequent occasions, notably during the Portuguese wars of 1640–41 and the invasion of the eighteenth century.

The Mesta further improved its opportunities during this reign by securing liberal renewals and confirmations of all of its preceding privileges, particularly those of Alfonso X, Alfonso XI, and Henry II which restricted sheep taxes.[2] In a word, the feeble policy of John I, because of his vacillating willingness and his inability to resist the pressure brought to bear by the contending parties, led to a marked increase in the decrees granted both to the Mesta and to the towns. This was the cause of much subsequent litigation and legislation which arose from the attempts to enforce the numerous conflicting privileges.

John's death in 1390 brought no relief, for the minority of Henry III (1390–93) was but a continuation of the conditions which have just been described. The Mesta renewed its activities, and, thanks to Gomez Carrillo, the entregador-in-chief, who enjoyed high favor at court, all of its former royal charters were renewed and amplified. This short period was noteworthy for the fact that no less than six such confirmations were issued in two years, a greater number than appeared during the whole of any one reign previous to that of Ferdinand and Isabella.[3] All of these indorsed without reservation the most extreme of the earlier claims of the Mesta regarding the restriction of local sheep dues.

[1] *Cortes*, Segovia, 1386, pet. 3; cf. *Nov. Recop.*, lib. 6, tit. 20, leyes 3–8.

[2] Arch. Mesta, Privs. Reales, leg. 1, no. 3; leg. 2, no. 1; leg. 4, no. 1. The last was a sweeping confirmation of all royal privileges granted before the accession of John (1379).

[3] Ibid., leg. 1, no. 3 (1392); leg. 2, no. 2 (1392) and no. 7 (1393); leg. 4, no. 2 (1392) and no. 3 (1393); leg. 5, no. 2 (1393).

It can readily be understood that the substantiation of these claims in the disordered years of the next century proved a difficult task. The Mesta enjoyed the advantage, however, of the patronage of two able rulers during the twenty years immediately after this period. Henry III, in the years of his majority (1393–1406), and his successor, the 'good regent' Ferdinand (1406–12), saw the grave necessity of strongly centralized government as the only salvation for the crown, and, indeed, for the country, during the stormy conflicts between towns and nobles. One of the obvious means of achieving this end was through the further strengthening of the Mesta. That influential organization enjoyed the support of certain nobles, who might be of much service to the crown; and, furthermore, the aggressive campaigns of the sheep owners clearly indicated how they might be used to curb the growing independence of the towns. Even the royal revenue officers, who had continued their abuses in spite of the mandate of 1379,[1] were effectively brought to account by various stern measures which the Mesta was now in a position to see enforced.[2] The same policy was continued in the matter of restricting the activities of the nobles in this field. The unhindered opportunities, which many of them had until now enjoyed, for the exaction of tolls and dues under the guise of montazgos, were ended, for a time at least, by the firm stand of the regent Ferdinand, who did not hesitate to check the operations of even his own noble vassals in this respect.[3] This period was, then, a breathing space for the Mesta in its struggle with the local or centrifugal forces over the question of sheep taxes. The strong administrations of Henry

[1] See above, p. 199.

[2] These dignitaries had developed the lucrative practice of selling exemptions from such royal imposts as the *pecho*, a form of poll tax. Alarmed by this evidence of what might be a dangerous independence on the part of important fiscal agents, the Mesta secured the promulgation of a decree in 1397 which limited the exemptions from *pechos* to "cavalleros, fijos dalgo, dueños, y donsellas." A penalty of two years in chains was specified for any local judge who ventured to extend this list of favored classes by including local church officers or townspeople of the better class. Arch. Mesta, Provs., leg. 1, no. 1.

[3] Arch. Mesta, M–2, Medellin, 1407: a series of restrictions upon the montazgo rights of nobles, fixing the rate at the ancient figure of two head per thousand on each trip, or four for the year.

III and of Ferdinand came to the aid of the Mesta and once more gave effective confirmation to the claims which had been independently asserted by the Mesta under weaker sovereigns.

With the resignation of Ferdinand, who left his post as regent of Castile in 1412 to become king of Aragon, there began a long era of incompetent monarchy, intriguing nobles — chief among them being the tyrannical favorite, Álvaro de Luna — and meaningless civil disorders, which ended only with the coronation of Ferdinand and Isabella in 1474. The Mesta, however, was by this time well able to take care of itself. Each successive period of tutelage under its able royal patrons had left it stronger and better equipped for its struggle with towns and other landowners during the troubled years which followed. With natural variation in details, the history of the two succeeding reigns reveals the same currents and tendencies which we have already noted in times of similar disorders and weakened central government.

Both John II and Henry IV were unusually liberal with grants of tax privileges, both royal and local;[1] and the towns and nobles took good care to secure an ample share of these instruments, however dubious their actual force might be. Had the Mesta not taken steps to secure equally valid, or valueless, assurances of exemption, it might have been at a disadvantage in its dealings with those parties in after years.

Irregularities and excesses were bound to creep into the loosely administered scheme of local sheep taxes. Sales of montazgos and portazgos were becoming common, and tax privileges were being bartered about irrespective of the title to the lands or places where collections were made.[2] New taxes were being assessed

[1] Grants of exemptions from taxes were no less liberal; cf. John's decree of 1441, freeing from *pechos* all members of his household, including "foresters, laborers, shoemakers, cooks, jugglers, trumpeters, laundresses, and falconers, with their wives and children:" certainly a motley crew to be enjoying that hitherto highly esteemed privilege of knights and ladies. Arch. Mesta, Prov. i, no. 4. The hopeless maladministration and inequality of taxes in Castile has been authoritatively described as the chief weakness of the fiscal system of that realm during the Middle Ages. Cf. Colmeiro, i, pp. 474–480.

[2] Arch. Osuna, Mss. Infantazgo (Buitrago), caj. 1, leg. 11, no. 6 (1467): a description of a series of such transactions between various towns and nobles during this period.

upon the flocks by the towns, and old ones were being revived.[1] The favorite method of accomplishing these purposes was by renewing old enclosures in the cañadas, or sheep highways, and by deliberately obstructing these passageways with ditches and walls; then, as the flocks came down their accustomed way, fines and damages called *tajados* were assessed upon the shepherds for 'trespassing upon town property.' Most of these enclosures were made under easily obtained royal authorizations. The Mesta's complaints against such fraudulent exactions were promptly answered by assurances from the crown that the ancient charters of that body should not be violated.

Some attempts were made by the sheep owners, with the help of the king, to carry on the work of systematizing and standardizing the montazgos. This task had been begun by the Santiago code of 1253 and extended by the Murcia decree of 1380. In order to save much useless confusion and loss of time at a succession of toll points,[2] it was planned to have the montazgos of several localities compounded and made payable at one time and place. Rules were drawn up to govern certain details of the methods to be used in collecting the tax, with the intention that they should serve as standards for the administration of sheep tolls throughout the realm.[3] Lists were made of recognized montazgos and supplied to the herdsmen; and other measures were taken to insure uniform tax schedules which were to be acknowledged and

[1] *Cortes*, Ocaña, 1469, pet. 15; Perez de Pareja, *Historia de la primera fundación de Alcaraz* (Valencia, 1740), on the acquisition by that town of such a montazgo right in 1474. Arch. Mesta, M–7, Murcia, 1446: a series of instances of new sheep tolls in various parts of Murcia. Among the new exactions was a fee collected for the issue of an *albala* or tax receipt, which the town tax collector required every shepherd to show on his return trip, under penalty of a second assessment. Such fees had been collected as early as 1416 by the royal officials in charge of the crown's sheep tax. Arch. Mesta, M–1, Madrid, 1418; Arch. Osuna, Mss. Infantazgo, Manzanares, caj. 3, leg. 5, no. 12 (1436); Arch. Simancas, Diversos de Castilla, no. 117 (1453).

[2] Arch. Mesta, F–2, Fuentidueña, 1419.

[3] Arch. Mesta, Privs. Reales, leg. 5, no. 3 (1442). Arch. Osuna, Santillana, caj. 9, leg. 1, no. 7 (1426): rules regarding the assessment of montazgo on swine; one of these specified that the second animal entering the toll gate should be taken for the montazgo, in order thus to spare the leader, which was, of course, of greater value.

paid by the Mesta members.[1] Unfortunately, however, these efforts had little effect because of the general weakness and incompetence of the administrative forces throughout the realm. Such results as were achieved at this time were attained by the Mesta itself, dealing directly with its opponents, without the help of the crown.

These two unfruitful reigns produced no effective restrictions upon the abuses of local taxation privileges. Decrees like that of 1463, which ordered the forfeiture of any lands whereon illegal montazgos were collected,[2] had little or no effect. Equally ineffective was the steady succession of royal decrees fixing the rates of certain local taxes and prohibiting others entirely.[3] The Cortes protested in vain against the orgy of taxation, the deputies making their pleas partly on behalf of the migrating herdsmen and partly to protect such feeble internal trade as had developed. The impotent Henry was denounced in vigorous fashion for allowing himself to be victimized by 'persons and universities' in search of illegal incomes derived from such unjust taxation of commerce.[4] The demand of the deputies that all portazgo privileges conferred after 1464 be cancelled was readily granted by the feeble monarch, who designated the clergy, and not the usual royal officers, to enforce the decree. Since ecclesiastical establishments and officials were among the chief offenders, the futility of this procedure can be easily understood. No better illustration

[1] Arch. Simancas, Diversos Castilla, no. 117, pt. 2 (1453).

[2] Arch. Mesta, Provs. i, 3. This was aimed at powerful nobles who exacted tolls from flocks which passed by their castles. These strongholds were quite safe, however, in spite of the expressed purposes and penalties of the above decree, as long as the latter bore only the meaningless signature of Henry the Impotent.

[3] E.g., Arch. Mesta, B–2, Barco de Ávila, 1429. Such royal prohibitions were effectively nullified, however, by liberal recognitions of many other local sheep taxes. A few typical instances of these are to be found in Arch. Osuna, Manzanares, leg. 5, nos. 1, 9 (1456); Arch. Mesta, Provs. i, 8 (1462), i, 4 (1468), i, 17 (1462); A–8, Atienza, 1461; Perez de Pareja, *Hist. de Alcaraz* (1740), p. 1. Excessive and frequent salt taxes were a favorite means of extorting funds from passing flocks at this time. Bib. Nac. Madrid, Ms. 9378, fol. 86 (1469): an interesting privilege allowing the monastery of Villafranca de Monte de Oca to collect 400 sheep a year from migrating herds for its services in feeding pilgrims bound for Santiago.

[4] *Cortes*, 1473, S. Maria de Nieva, pet. 5.

of the hopeless incompetence of Henry IV's reign could be found than this enfeebled vacillation and brazen duplicity.

As was to be expected, there were frequent attempts by the crown to enforce the ancient Mesta charters. Two sweeping renewals of all previous privileges by a decree of the regency in 1407 were confirmed by John II in 1421.[1] In addition to these, which touched upon the question of local taxation along with other topics, the regent signed a famous decree in 1413, by which the Mesta was taken under the royal protection and "shielded against the abuses, maltreatments, extortions, and other harms inflicted upon its members by priors, military orders, commanders, knights, bailiffs, town councils" and many other officials and representatives of local jurisdictions.[2] Occasionally there were efforts by the crown to check excessive local sheep taxes in towns of the royal demesne.[3] The aid of the entregadores was constantly in demand, but their work had little effect when the offender was some great noble or large town.[4] In spite of privileges, confirmations, and entregadores, the crown was nearly helpless as an aid to the Mesta; and the latter was forced to resort to other means of protecting its members.

The device which now came into extensive use to accomplish this end was the *concordia* or agreement. This was, in brief, a contract made between the Mesta and the individual or corporate landowner claiming to have a right to tax the passing sheep. The Mesta agreed, on behalf of its members, to pay a fixed toll in exchange for a right of way over certain lands, for the use of a bridge, or for access to certain pools or springs. There are no instances of such *concordias* previous to this period of John II and Henry IV; but with the accession of the former, the Mesta lost hope of effec-

[1] Arch. Mesta, Privs. Reales, leg. 2, nos. 3–5.

[2] Ibid., leg. 2, no. 3 (1415); leg. 1, No. 5. Ibid., leg. 4, no. 4 (1441): a decree intended further to strengthen the Mesta by compelling all shepherds in Castile to be members — the old gild theory of all-inclusive membership.

[3] Arch. Mesta, M–4, Montalbán, 1428–36: decrees freeing the Mesta from local portazgos at Montalbán, which was on the queen's lands.

[4] Arch. Osuna, Infantazgo, caj. 3, leg. 5, nos. 1–5 (1436 ff.); Arch. Mesta, A–3, Alange, 1455.

tive assistance from the crown.[1] It was, therefore, compelled to deal directly with the great noble families, the cities, and the churches which claimed the privilege of collecting sheep taxes.[2] These agreements are interesting because they show the Mesta in a distinctly new light. The organization was now standing on its

[1] There are no records of any attempts of the Mesta to win the support of the tyrannical favorite, Álvaro de Luna, though the latter had no scruples about exploiting the pastoral industry. See below, pp. 264–265.

[2] In 1418 such a *concordia* was drawn up between the Mesta and the town of Madrid by two representatives for each of the parties, who were given full powers to take binding action. (It may be noted here that, during the sixteenth-century Hapsburg absolutism, it was necessary for a *concordia* to have the royal assent in order to be legal.) The Mesta agreed that its members should pay a money toll of 50 maravedis for every 1000 sheep crossing the jurisdiction of Madrid. The town was in return to keep the bridges in repair, and it was not to assess trespassing sheep more than the sum covering the damage actually done by them. The flocks were to be allowed to rest four days on the commons of the city. In case of disputes the *regidores* (magistrates representing the crown in the cities) were to act as umpires. Under no circumstances were the Mesta's entregadores to take action in any case involving these taxes. The agreement was made for ten years. Arch. Mesta, M–1, Madrid, 1432, contains the original of 1418 and certain revisions of 1432. These points sum up the essential of most such *concordias*. Occasionally the entregadores were allowed to act as representatives of the Mesta in these transactions. Arch. Mesta, P–6, Puebla de Montalbán, 1423: a *concordia* with the Count of Montalbán. Arrangements were sometimes made for the enjoyment of certain marketing privileges by the herdsmen. Ibid., T–2, Toledo, 1376: a *concordia* with the archbishop of Toledo of 1431. If the landowner happened to be a religious establishment, the stipulations were quite likely to carry some provision for the spiritual welfare of the Mesta members. Ibid., P–5, Priorato de San Juan de Jerusalem, 1435; P–2, Peñalén, 1447: providing for masses and prayers for Mesta members in exchange for tolls paid on the semiannual migrations. In a large number of instances the *concordias* were chiefly taken up with specifications as to the maintenance of bridges and drinking troughs, with details as to their size, materials, frequency of inspection, repairs, and the tolls to be paid by the sheep owners. Arch. Osuna, Manzanares, leg. 3, no. 22: a *concordia* of 1436 with the Duke of Infantazgo which governed the relations between the Mesta and perhaps the most important noble family in Spain in the fifteenth and sixteenth centuries. The same archive, caj. 3, leg. 5, nos. 1 ff., has the complete series of later *concordias* down to 1634, which grew out of that of 1436; cf. Béjar, leg. 351, no. 24 (1423). It is interesting to note that these *concordias* of the fifteenth century were introduced as evidence in the course of a lawsuit in 1849 regarding tolls paid by the Asociación General de Ganaderos, the successor of the Mesta, to the Duke of Manzanares. Other instances of *concordias* are to be found in Arch. Mesta, T–1, Talavera de la Reyna, 1472: agreements of 1449, 1462, and 1472 regarding taxes to be paid by Mesta members to the *Hermandad* of Talavera for the use of certain pastures. See also Arch Mesta, G–1, Gallegas, 1463.

own feet. Crown patronage meant nothing, and the sheep owners' organization had to resort to its abilities to transact business with the landowners on its own authority. Its entregadores were capable of handling cases of minor complaints of members against unjust tolls and taxes, but the organization as a whole was now beginning to feel quite independent of royal support or patronage, the equal of the most powerful barons, ecclesiastical establishments, and municipalities in the realm. Therein lay the real contribution of this period of political decadence to the adjustment of one of the vital factors in the economic life of the kingdom.

CHAPTER XI

LOCAL TAXES UNDER FERDINAND AND ISABELLA (1474–1516)

Fiscal reforms. Tax inquisitors. Fiscal duties of the corregidores. Standardization of the local sheep tolls. Political aspects of the tax situation.

THE death of Henry IV in December, 1474, and the succession of Ferdinand and Isabella as joint sovereigns of Castile [1] brought about a sorely needed change in the disordered affairs of that kingdom. In no phase of administration was reform more imperatively necessary than in fiscal matters, both national and local. Royal profligacy and impotence had not only squandered the income of the crown,[2] but had fostered the most unbridled abuses and maladministration of the financial affairs of towns, nobles, and ecclesiastics. With the royal exchequer in such a deplorable plight, and with the burdens of war against the Portuguese and preparations for the reconquest of Granada upon their hands,[3] the new sovereigns could lose no time in undertaking the seemingly impossible task of rebuilding the dilapidated structure of Castilian finance.

[1] The Mesta was exclusively a Castilian institution, with no standing or jurisdiction in Aragon until late in the seventeenth century. Nevertheless its relations with the crown were administered jointly, for the most part, by Isabella and her consort. Exceptions to this rule occurred occasionally, when decrees regarding the Mesta were issued independently by either sovereign in the absence of the other. Arch. Mesta, H–1, Hellín, 1489; Prov. i, 5 (1478); A–8, Haro, 1483; Brit. Mus., Ms. 1321–k–1, no. 1 (1481). This seems to have been substantially in accord with the distribution of the individual and joint powers of the royal pair as adjusted by the arbitration of the archbishop of Toledo in 1475. See Prescott, *Ferdinand and Isabella*, i, pt. 1, ch. 5, with references.

[2] Figures showing the bankruptcy of the kingdom in 1474 and Isabella's efforts toward rehabilitation are given in Clemencín, *Elógio*, ilust. v; see also Colmeiro, i, p. 489; Haebler, *Wirtschaftl. Blüte Span.*, pp. 108–110.

[3] Early in 1475 Alfonso V of Portugal invaded Castile in support of the cause of his niece, Joanna, the supposedly illegitimate claimant to the Castilian crown. Hostilities with the Moors were begun in December, 1481.

It was with local taxation that Ferdinand and Isabella were primarily concerned in their earlier efforts to improve the fiscal welfare of the Mesta. They were well aware of the rare possibilities of that body as an instrument for the achievement of that centralized autocratic administration which formed the basis of their internal policy. It will be recalled that in the case of their reconstruction of the Mesta judiciary, reform did not begin with the sweeping destruction of all that was old and the abrupt creation of new officials. With their characteristically shrewd appreciation of the respect of their subjects for ancient offices and institutions, Ferdinand and Isabella began their work by assuring the fullest powers to the long established office of the itinerant entregador. With this as a nucleus, the judicial affairs of the Mesta were gradually centralized, until finally the proprietary chief of the entregadores was made a member of the Royal Council.[1] Similarly, in approaching the fiscal problem of the pastoral industry, the statecraft of these astute sovereigns led them first to reform the local sheep taxes and to eliminate the grossly unjust and illegal exactions which were the heritage of the previous years of royal impotence. With local sheep taxes carefully restricted and organized, the foundations were laid for the systematic exploitation of the industry as a source of revenue to the crown.

The first task was, then, the reform of the fiscal relations between the Mesta and the various local landowners — towns, clergy, nobility, and peasantry. During the thirty years of Isabella's reign (1474–1504), the Mesta was a party — usually the plaintiff — in over eleven hundred litigations. Of these nearly four hundred were suits regarding local tolls and taxes,[2] a far greater number than for any period of similar length either before or after. This was ample evidence both of the aggressive spirit of the sheep owners, newly encouraged by the crown, and of the growth of municipal autonomy in fiscal affairs during the preceding regime of weakened royalty.

[1] See above, p. 83.

[2] The greater part of the remaining seven hundred cases involved pasturage rights, with a few score on the jurisdiction of entregadores and the right of way of the flocks over the cañadas or sheep highways.

The salient feature of this period of the fiscal history of the Mesta is found in the domination of the sovereigns over the financial obligations of the sheep owners. This meant the abolition of unjust and excessive local exactions and the careful organization and supervision by the crown of such sheep taxes as were found to be authentic and of ancient standing.

It may seem from this that Ferdinand and Isabella were simply renewing the work of Alfonso XI,[1] who, more than a century earlier, had undertaken the same policies with considerable success. In a sense this was true, but unlike that vigorous sovereign they were not content with merely taking over various local taxes and simplifying those left to the towns. They appreciated the need of something more than autocratic power in order to make their work lasting. As the basis for a more permanent reform they evolved certain fundamental changes in administrative and judicial machinery, which displayed once more their genius for linking old and new. The functions of certain ancient offices were skilfully renewed and applied to this fiscal problem of the sheep industry, with the result that by 1516 local sheep taxes had not only been systematized and greatly reduced, but their administration was thenceforth under royal surveillance.

In their first Cortes, held at Madrigal in 1476, Ferdinand and Isabella began the work of reforming the sheep dues by annulling all local sheep tax privileges granted in the reign of Henry IV after the year 1464.[2] It was left, however, for the celebrated Cortes of Toledo (1480), one of the most notable in Spanish legislative history, to take the first effective measures in the great task of regulating these local taxes.[3] "Many are the complaints made every day to us by stock owners and others," declared the sovereigns, "concerning the great harm and loss which they suffer at the hands of those who collect the servicio y montazgo and of those who demand the taxes of *pasaje*, *pontaje*, *rodas*," [4] and

[1] See above, pp. 186–192. [2] *Nov. Recop.*, lib. 6, tit. 20, ley 8.

[3] Cf. Prescott, *Ferdinand and Isabella*, pt. 1, ch. vi. This was the Cortes which Carbajal fervently described as "Cosa divina para reformación y remedio de las desórdenes pasadas." Its important work, as well as that of the Cortes of Madrigal, in reforming the royal sheep dues, will be discussed later.

[4] See below, Glossary.

many other sheep tolls, "which have been collected ever since the year [fourteen hundred and] sixty-four, when the civil disorders began in these kingdoms. . . .[1] It is notorious that all of this has resulted in the diminution and disappearance of the flocks and in serious injury to shepherds, muleteers," and others, "and in greatly increasing the prices of meat, animals, leather, and other things." Drastic action was, therefore, imperative, and after citing the ineffectual reforms of the Cortes of Ocaña (1469) and Santa Maria de Nieva (1473), the king and queen laid down definite plans for centralized supervision of a type not dreamed of by the most autocratic of their predecessors. The regulations to be observed in collecting the royal servicio y montazgo from the herdsmen were carefully prescribed,[2] and then the tangle of local sheep dues was attacked. Scant attention was given to any suggestion of moderate compromise or condonement of the status quo. Such was not the spirit of the Toledo Cortes of 1480, remembered in Castilian history as a landmark of bold achievements in curbing an insolent nobility and in drawing the scattered and fractious towns into a more compact union under the royal autocracy.

It was ordered that within ninety days after the proclamation of the laws of this Cortes all local tax privileges and toll rights granted since 1464 were to be presented to the Royal Council for examination, and all privileges not so presented were ipso facto null and void. Furthermore, in order that there might be no gradual relaxation of vigilance — and this was the first important innovation — all local justices of towns in the royal demesne were to report every year, before the end of April, upon the taxes being collected in their vicinity; and as a stimulus to the work of these justices, certain overseers (*veedores*) were appointed, with instructions to see that the annual inquiry and report were thoroughly made.[3]

[1] *Cortes*, Toledo, 1480, pet. 90. Some of these provisions were incorporated in the *Ordenanzas Reales de Castilla* (lib. 6, tit. 10), a compilation made by Diaz de Montalvo, published in 1485. The lawlessness of the reign of Henry IV and the series of disturbances in 1464, and after, culminated in the humiliating dethronement of the helpless king in effigy.

[2] See below, pp. 272 ff.

[3] Mariéjol, *L'Espagne sous Ferdinand et Isabelle*, p. 175.

The towns were soon to learn that these were not empty phrases of the type used in so many meaningless decrees of Henry IV. Action was taken immediately; and for more than fifty years the *ley de Toledo* was continually invoked by the Mesta in quarrels with local authorities. Town ordinances were scrutinized by royal agents, sometimes by the sovereigns themselves, to prevent unjust or recently created taxes; and changes were made at once, when deemed necessary by the crown officials.[1] The thoroughness with which this work was carried on is indicated by the diversity of the means employed to enforce the provisions of the law. If one procedure or officer proved ineffective, another was promptly used.

At first the reports of the local justices under the supervision of the royal overseers or *veedores* seemed to satisfy the sheep owners; but the latter soon complained that in many instances the local justices also collected the tolls, and were therefore incompetent to settle fairly any questions regarding the amounts to be paid.[2] Other officials were therefore called upon to enforce the laws of 1480. In this work Isabella soon appreciated the utility of the sacred league of justice, the reformed national *Hermandad*, which had been reconstructed in 1476 as an instrument of royal power. The purpose of various local *hermandades* had long been the maintenance of order, especially in rural districts. With the nationalization of this institution under the crown, the alcaldes or justices of the *Hermandad* proved useful in furthering the policy of royal supervision over local taxes.[3] Then,

[1] Bib. Nac. Madrid, Ms. D–49: revision by Ferdinand and Isabella (1479 ff.) of the ordinances of Cáceres, one of the capitals of the important Estremaduran pasturage region. Arch. Mesta, S–5, Soria, 1480; although Soria was the chief stronghold of the Mesta, its local ordinances frequently laid exorbitant burdens on the herdsmen. Immediately after the Toledo Cortes, an entregador proudly laid before the Sorian town council a special mandate, signed by the king and queen, commanding certain important modifications in the schedule of sheep taxes of that place. Similar procedures are recorded in Arch. Mesta, N–1, Nava el Peral, 1484.

[2] Arch. Mesta, Prov. i, 67 (1505): this reversed a royal decree of 1442 which the towns had secured from the vacillating John II, giving local justices a large measure of jurisdiction over taxation disputes.

[3] Arch. Mesta, A–8, Haro, 1483: a royal order of Isabella commanding an alcalde of the Hermandad to collect data regarding the tolls being levied upon flocks in the upper Ebro valley.

too, for the first time in their history, entregadores were instructed to undertake the regular and systematic inspection of local sheep taxes.[1] In 1486 they began a long and active campaign of investigations under the direct supervision of the Royal Council.[2] The latter body, on the petition of the ever present attorney-general of the Mesta, constituted itself a court of last appeal directly above the entregadores.[3]

The Mesta now became insatiable, and with every encouragement from the royal autocrats its demands for 'protection' from local taxes became doubly insistent. It alleged that the overseers appointed to enforce the law of 1480 were unable to cover all of the widely scattered pasturage areas. Would it not, suggested the sheep owners, be simpler to send out a circular order (*carta general*) commanding all towns and individuals who collected taxes from the Mesta to lay their privileges and charters before the Royal Council for inspection?[4] This, however, was asking too much, though the measure actually taken was hardly less considerate of the Mesta's desires.

In 1485 one of the members of the Royal Council, Lopez de Chinchilla, was assigned as "special judge of cases regarding taxes paid by the Mesta."[5] He held court at Guadalajara, on the line of the much travelled Sorian cañada, and his work was so successful, from the point of view both of the Mesta and of the crown, that similar appointments were soon made of special investigators with jurisdiction over other parts of the regions traversed by the flocks.[6]

[1] In only two instances previous to this reign had the entregadores ever extended their customary function of protecting the cañada, or right of way, to include the examination of local sheep tolls: Arch. Mesta, S–2, San Román, 1461, and B–4, Buenbuey, 1447. On one occasion, the proprietary entregador mayor had taken advantage of royal impotence and had usurped an ancient prerogative of the crown by sitting in judgment on the authenticity of various local taxation privileges. Arch. Mesta, A–3, Alange, 1455.

[2] Ibid., R–2, Roda, 1486. This campaign of the entregadores against local tolls soon became a conspicuous feature of the Mesta's activities during this period. Of the forty or fifty cases which the entregadores were handling annually, more than half were concerned with local taxes.

[3] Ibid., M–3, Mejorada, 1486.

[4] Ibid., B–4, Burguillos, 1487.

[5] Ibid., O–1, Olmedo, 1486.

[6] Ibid., B–4, Burguillos, 1487; L–3, Llerena, 1488. The apportionments of

There had been previous instances of special royal judges with jurisdiction over complaints of extortionate sheep taxes,[1] but these inquisitors were never of such high rank as the royal councillors. The present instance illustrates once more the skilful application by Ferdinand and Isabella of older practices to newer needs and the use of long accepted traditional institutions for the aggrandizement of royal prestige and power. Unlike their predecessors, these newly appointed investigators came as representatives and sometimes even as members of the Royal Council, to which body they usually reported their findings for final decision.[2] No ecclesiastic or noble, however powerful, undertook to oppose their investigations, and even such great lords as the Constable of Castile, the Dukes of Béjar, and the grand master of the Order of Santiago [3] discreetly responded to their summons. Even the Pope was requested to aid them if their searches made necessary any inquiries regarding church tolls on the flocks.

These *jueces pesquisidores*, or *comisionados*, as they were usually called, were invariably of the highest social standing; in

jurisdiction were usually made by cañadas or by bishoprics and archbishoprics. A common assignment of the two latter was by western (Coria, Plasencia, Badajoz, León, Toledo) and northeastern (Calahorra, Siguenza, Osma, Soria) groups. At other times the distinguished appointee was asked to hear cases in certain large towns or in the lands of some one of the great military orders.

[1] Arch. Mesta, Prov. i, 17 (1462): a decree of Henry IV, empowering the royal accountants to act as referees in a dispute regarding the sheep taxes of Talavera. Ibid., T–2, Toledo, 1440: a hearing before a specially appointed royal *juez de comisión*, regarding sheep taxes of Toledo. This official was appointed at the behest of the Toledo authorities, who were thus able to circumvent many of the Mesta's privileges. The sheep owners immediately had the cases transferred to the Royal Council; and this experience with a special royal inquisitor may well have suggested to them the feasibility of using such an official later on. Similar *inquisidores* were the *juezes pesqueridores* of the thirteenth century described in *Part.* 3, tit. 17, leyes 1–12, and those of the fourteenth, fifteenth, and sixteenth centuries noted in *Nov. Recop.*, lib. 12, tit. 34, leyes 1–14.

[2] There were occasional instances where the inquisitors took steps on their own initiative to enforce their decisions without consulting the Council. See below, Appendix J, for such an instance in 1489.

[3] The mastership of this order did not come into royal possession until 1499, though Isabella had already taken measures which insured the ultimate control of the crown over the organization.

fact, several of them held the distinguished office of *contino* or honorary bodyguard of the king. Among them were such councillors and dignitaries as Lopez de Chinchilla, the first to be nominated, Gonzalez de Sepúlveda, Juan de Vinuesa, Gomez de Agreda, and even the illustrious 'Gran Capitán,' Gonsalvo de Cordova. They were always appointed at the petition of the Mesta's royal attorney and were commissioned to investigate the local sheep tolls in a given region. Each appointment was for a special mission and was limited to a brief period, usually four months, with a salary of 250 maravedis a day to be paid out of the fines collected as a result of their decisions.

Strictly speaking, they did not sit in judgment upon the cases brought before them. They determined the authenticity and age of tax privileges, weeded out any that bore dates of the disordered decade after 1464, and in general gathered evidence for presentation to the Royal Council. The latter body then handed down a decision which almost invariably conformed with the recommendations of the investigator and therefore seldom went against the Mesta.

This office of special judge inquisitor served as another powerful link between the crown and the Mesta. It marked the beginnings of a policy which was to lead directly to the creation of the Presidency of the Mesta in 1500, with the senior member of the Royal Council as ex-officio incumbent. With characteristic sagacity, the Catholic Kings had thus revived a forgotten office, and out of it they soon evolved one of their most valuable though perhaps least known instruments for the use of ambitious royalty. They and their Hapsburg successors especially appreciated the utility of this office in curtailing the income and therefore the power of the great nobles, whose opulence, to which the passing herdsmen had for generations been made to contribute so heavily, had shamed the penury of many royal courts. But a new era had dawned in Castile. Thenceforth, if the new autocracy was to triumph, the prestige, financial as well as political, of the baronage and of the great cities must be transferred to the crown. Of the many devices old and new with which this purpose was eventually accomplished, few proved more

effective than the itinerant royal counsellor-inquisitors, themselves among the highest nobility of the realm.

Emboldened by the success of these officials, the Mesta ventured to suggest even more direct action on the part of the crown. In August, 1487, on the occasion of a royal visit to Cordova, the centre of a much frequented winter pasturage area, the ever present attorney of the sheep owners persuaded their majesties to issue summonses to a score of neighboring towns, commanding the municipal officers to present before the Royal Council within thirty days adequate documentary evidence justifying their collection of sheep tolls. The Council sat in judgment upon this evidence, and the fines which it usually levied were set aside to help finance the wars against the Moors.[1] The latter point explains, in part, the interest of the Catholic Kings in encouraging the Mesta in its prosecutions of local tax collectors.

In January, 1488, when the court was visiting at Saragossa, the tireless Mesta attorneys brought similar suits against twenty-eight Castilian towns. The efficacy of the Mesta's crafty tactics in thus using the Royal Council as a court of first instance is demonstrated by the fact that the decisions of this, the highest judiciary in the land, were almost invariably favorable to the sheep owners "because of the *rebeldia* [absence from court] of the defendant." The latter circumstance was by no means to be attributed to insubordination on the part of the defendant town in question. It was undoubtedly due to the excessive cost and difficulty of preparing on short notice for the presentation of a case before the royal court at the distant Aragonese capital.[2]

[1] In some of these cases the Mesta attorney pleaded that local tolls were the chief cause of the exorbitantly high prices then prevailing (1487–88). Arch. Mesta, S–4, Segura, 1487; A–3, Albacete, 1487. Similar complaints were made in the Toledo Cortes of 1480, pet. 90.

[2] Fifteen of the twenty-eight towns involved were poverty-stricken villages in the remote southern pasturage regions of Estremadura, Andalusia, and Murcia. A few of the remainder, however, were cities of the first importance, noticeably Segovia, which was summoned to justify tolls being levied by villages within its jurisdiction. This is an interesting indication of the responsibilities incumbent upon the city-head of a *comunidad*, or group of towns under the control of one. Arch. Mesta, S–4, Segovia, 1488; ibid., M–7, Murcia, 1488. On the importance of the *comunidad* in the question of litigation between the Mesta and the towns, see above, p. 115.

A further purpose of the Mesta in prosecuting this new campaign is discerned in the fact that only royal agents could be effective within the jurisdiction of certain important pasturage centres. By virtue of long cherished charters, the extensive rural districts of such cities as Seville and Plasencia were exempt from the visitations of the entregadores.[1] The Mesta now found its first effective means of forcing the officials of proud provincial capitals to recognize the prestige of the grazier magnates.

In some instances the defendants were not towns but private individuals — Jewish concessionaires to whom the local sheep tolls had been farmed out. Enmity had been brewing for centuries between these 'unbeliever' tax-gatherers and the sheep owners. The Mesta officials lost no opportunity to denounce these 'persecutors of Christian shepherds,' and the organization now found itself in a position to strike a decisive blow. There is every reason to believe that Jorge Mexía, the energetic attorney-general of the Mesta, who was never far from the royal presence,[2] had not a little to do with the edict for the expulsion of the Jews, which was signed at Granada on March 30, 1492. Scores of the most irritating and persistent foes of the Mesta were thus eliminated; and the latter added another politico-economic triumph to its already imposing record.

The ambitions and activities of the Mesta moved rapidly during these propitious times. A prolonged visit of the court at any

[1] See above, pp. 105 ff. Arch. Mesta, C–1, Cáceres, 1490; E–1, Encina Sola (suburb of Seville), 1487.

[2] Much of this success of the Mesta and of its utility to the crown may be ascribed to the constant presence of the sheep owners' attorney-general at the royal court. This was, of course, one of the great advantages of the Mesta over its opponents, and the completeness of its archive is the best evidence of the thorough efficiency with which Jorge Mexía and his successors did their work. An illustration of their method is to be found in a case brought before the Royal Council by Mexía in 1487 regarding tolls levied at Albacete in Murcia on flocks en route from Castile to the east coast lowlands (Arch. Mesta, A–3, Albacete, 1487). The Royal Council was much occupied with preparations for the Moorish wars, but Mexía persisted. His portfolio of documents on the case contains almost daily memoranda noting conferences with various councillors until the matter was formally taken up. Mexía served the Mesta in this important capacity during the whole of the crucial period from the accession of Ferdinand and Isabella until 1502, when the work was taken up by an almost equally aggressive lieutenant.

given point was made the occasion for proceedings similar to those instituted at Cordova and Saragossa. In July, 1488, while the sovereigns and their council were at Murcia, the Mesta's attorney, Mexía, renewed his campaign against local sheep tolls. All the older methods and several new ones were brought into use. The corregidores, those indispensable instruments of autocracy, who served as the local representatives of the crown in all parts of the realm,[1] were instructed to see to it that the sheep owners were not subject to illegal local taxes or fees.[2] Furthermore, the corregidores were to transmit directly to the local alcaldes or justices the decisions of the Royal Council in these matters and were to report to the Council regarding the enforcement of that body's mandates. Before long the Mesta itself, through its attorney-general, was issuing orders to the corregidores to enforce the observance of contracts and agreements in the collection of local tolls.[3]

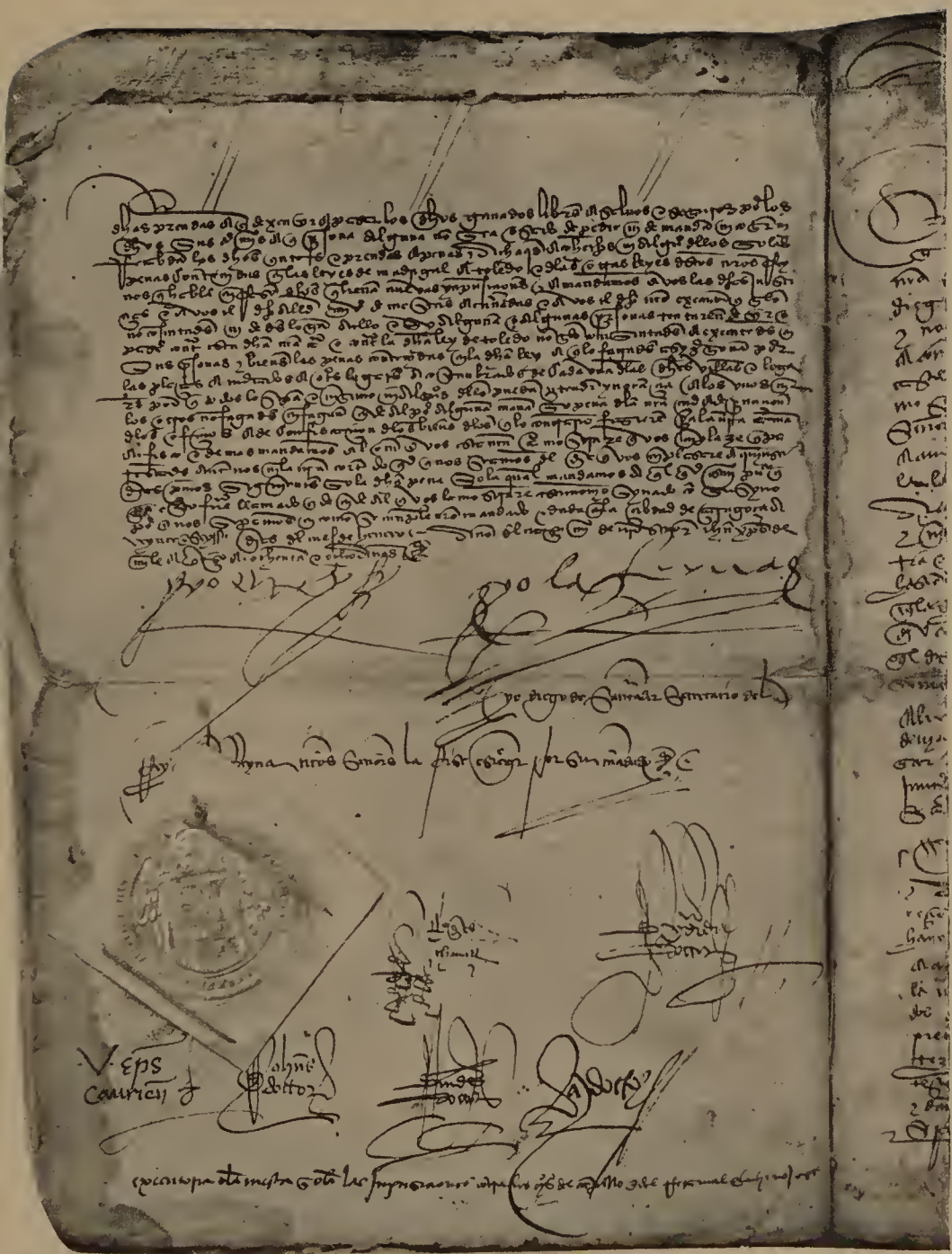
All of these means — entregadores, special royal inquisitors, corregidores — were not enough to satisfy the sheep owners in their demands for new weapons with which to combat those persistent wayside annoyances, the tax collectors from neighboring towns, castles, and monasteries. The Mesta turned now to the remodelled high appellate court, the chancillería at Valladolid. This august tribunal, with its companion court, which was established at Ciudad Real in 1494 and removed to Granada in 1505, became the apex of the strongly centralized judiciary of Ferdinand and Isabella. By virtue of various decrees of the then friendly chancillerías, the Mesta brought further pressure to bear upon the intimidated local officials.[4]

[1] Mariéjol, *L'Espagne sous Ferdinand et Isabelle* (Paris, 1892), p. 172. Although this office originated a century before their time, Ferdinand and Isabella were the first sovereigns to make effective and extensive use of it. In 1480 they scattered corregidores throughout Castile to safeguard royal interests.

[2] Arch. Mesta, A–5, Aledo, 1488; B–2, Béjar, 1498; A–9, Ávila, 1502; Prov. i, 18 (1498).

[3] There were even instances of corregidores and entregadores sitting together in judgment over such cases. See above, p. 84.

[4] Arch. Mesta, Y-2, Iscar, 1495: a decree of the Valladolid chancillería authorizing the appointment by the Mesta of two special agents to investigate and report upon the local tolls collected along the important cañada from Soria to Medina



SHEEP TAX DECREE OF FERDINAND AND ISABELLA. JANUARY 26, 1488

Signed at Saragossa by Ferdinand and Isabella and the members of their Council. This is one of the series issued in connection with suits brought before the Council by the Mesta against twenty-eight cities accused of unjust and illegal taxation of migratory flocks. See page 218.

Occasionally, it is true, the Mesta still resorted to conciliatory measures and adjusted its taxation difficulties by means of *asientos* or *concordias*.[1] These milder devices had already been employed during the period of the Mesta's weaker years early in the fifteenth century.[2] They were used now, however, only when there was danger of conflict with strong city governments or with personages of the highest rank, and even then the Mesta was able to insist that the consent of its staunch protector, the crown, was necessary to legalize any such agreements.[3] This consent was not a mere perfunctory formula; for it gave the Mesta a very useful sanction, to which it could appeal for the enforcement of its contracts. The Valladolid chancillería was instructed to threaten the severest penalty in order to protect the Mesta and insure compliance with its *concordias*.[4] From the point of view of Ferdinand and Isabella, this insistence upon royal consent was obviously desirable, since it added another weapon to an already formidable array which was intended for

del Campo. The court subsequently issued mandates, apparently after a purely formal hearing, commanding the cessation of various taxes.

[1] Arch. Mesta. V–4, Villalba, 1495: a *concordia* between the Mesta and Alonso Enriquez, lord of Villalba, corregidor of Badajoz, and 'captain of the king and queen.' Ibid., B–3, Bilbiestre, 1491: a *trasacción* between this town on behalf of its lord, the Constable of Castile, and the Mesta. Ibid., C–10, Cuellar, 1488: an *asiento* or agreement between some Mesta members and the Duke of Albuquerque, fixing the tolls to be paid by the sheep owners for passage over the latter's estates. In case of dispute, the matter was to be adjusted by two townsmen. This concession on the part of the Mesta is partly explained by the fact that the *asiento* was made by a *quadrilla*, or group of Mesta members, and the Duke. It is one of the few examples of an important action taken by a part of the membership. The solidarity of the organization was one of the principal causes of its strength, and of its utility to the crown.

[2] See above, pp. 205–206.

[3] Arch. Mesta, C–1, Cáceres, 1490: an agreement between the tax collector of that city and the *quadrilla* or group of Mesta members from León. Similar *concordias* are found in A–5, Alcova de la Torre, 1491; A–6, Alia, 1498; A–5, Alera, 1498. Arch. Osuna, Infantazgo, caj. 7, leg. 1, no. 12: a chancillería sentence of 1511, confirming a *concordia*.

[4] Arch. Mesta, A–5, Alera, 1498: a decree of the chancillería fixing the penalty of death for the tax collector of Alera if he does not show cause, within fifteen days, for failure to maintain a bridge for the use of the flocks. Cf. B–2, Báscones, 1500: a sentence by an entregador, acting under special royal instruction, condemning a local toll collector to death and the loss of all his goods, for repeated violation of the royal edicts protecting the Mesta in these matters.

the single purpose of guarding royal prerogatives and prestige throughout the realms. All of the agencies and officials described above were used effectively to circumscribe the tax privileges of towns, nobles, ecclesiastics, and military orders. They helped to enrich the royal coffers by their ample fines and thereby aided materially the preparation for those two great undertakings of the Catholic Kings, the expulsion of the Moors from Spain and the exploration and conquest of America. Less picturesque, though quite as important, was the fact that in their capacity as fiscal agents of the central government they served as valuable instruments in the all-important work of unifying Castile.

For our present purpose, it is essential to appreciate another feature of this development, namely, its effect upon the local fiscal relations of the sheep owners. Municipal and private sheep tolls and taxes now became standardized and systematized; and the hopeless lack of uniformity and confusion which had hitherto harassed the herdsmen when on their marches gradually disappeared. Their fiscal obligations were defined, combined, and simplified.[1] Local toll schedules were cut down and made uniform.[2] Furthermore, they were required to be kept in a public place at each toll point,[3] in order to prevent extortion and fraud. Entregadores at intervals were empowered to examine these

[1] A similar reform was undertaken in 1497–99 for the *carreteros* or teamsters, for whom a special *juez conservador*, a member of the Royal Council and thus comparable to the President of the Mesta, was later named. *Nov. Recop.*, lib. 7, tit. 28. See above, p. 172, on earlier efforts at standardization and uniformity.

[2] The best and most important illustration of this was the schedule of local montazgos which was fixed for the entire kingdom by a royal decree: see below, p. 222. One of the most helpful reforms was the enforcement of an ancient privilege of the Mesta which forbade the collection of a ram (*morrueco*) or bell ewe (*oveja encencerrada*) as part of any toll on a given flock. *Quad. 1731*, pt. 1, p. 17: decree of 1285. This law had been quite ignored, as a rule, though the towns sometimes acknowledged the justice of it; e.g., Arch. Osuna, Mss. Santillana, caj. 9, leg. 1, no. 7, 1426: in levying montazgos the second pig or sheep entering the common was to be taken, so as to spare the more valuable leader. In the reign of Ferdinand and Isabella, however, a series of royal mandates and court proceedings guaranteed, in no uncertain terms, the immunity from seizure of the highly prized leader of the flock. This exemption was soon extended to all breeding rams. Arch. Mesta, C–10, Cuellar, 1488; Prov. i, 15 (1496) and i, 58 (1498), A–4, Alcántara, 1501.

[3] Arch. Mesta, Prov. i, 58 (1498).

schedules in order to make readjustments and to guard against illegal alterations.

By 1516, the year of Ferdinand's death, approximately three hundred towns, villages, religious establishments, and nobles were levying tolls and dues of one sort and another upon the migrating herdsmen. The accounts of the Mesta [1] give no indication of the amount that was paid each year in this form, because the payments were made by the individual owners and not by the organization. The pretexts and forms of the various exactions were of the greatest diversity, and their forty or more names afford tempting opportunities for the speculative philologist.[2]

Originally all of the many local levies upon the flocks were intended for one of two purposes: first, as punishment for trespasses upon public or private lands; or secondly, as a payment for such services as the suppression of robber bands, the maintenance of a bridge, ferry, or drinking place, and especially for temporary pasturage. It can be readily appreciated that these two purposes frequently merged; for example, when trespasses upon supposedly forbidden pastures became tacitly permissible. By 1500 few, if any, of the older punitive exactions remained. When a town undertook to levy a fine upon the owner of an offending flock, the penalty was specially fixed as an ordinary fine (*pena*) by some local official and was seldom disguised with one of the mediaeval sheep-tax names. The latter were now used to designate fixed charges, tolls, or fees, for services actually rendered.

Of the many examples which might be selected to illustrate local sheep taxes during the period 1474–1516, two are worthy of attention, namely, the montazgo and the portazgo, which, as was indicated above,[3] had always been the most common and troublesome exactions encountered by Mesta members. The montazgo still retained, as a rule, its original mediaeval character as a compensation to the town for the use of its montes or wooded

[1] See Bibliography, p. 404.

[2] Many of these terms seem to be quite unknown to lexicographers. See Glossary, pp. 423–428.

[3] See above, pp. 163–175.

pastures. It had, however, undergone a process of 'caking down', or fixation, similar to that which may be observed in the history of such taxes in other countries. From being a primitive assessment collected only from such flocks as trespassed upon the town montes, it had gradually become fixed as a regular fee, collected from all passing transhumantes, either as a toll [1] or for the use of any public pasturage in the town.

The most important reform of the Catholic Kings in this whole field of local taxation was the promulgation of a national schedule of montazgos which specified the towns where this tax might be collected and the rate at which it was to be levied.[2] This once ubiquitous and much abused tax had long been a source of profit to local officials and of corresponding hardship for the shepherds. It was from the smaller owners that the town assessors had gained their richest harvests. Now, however, as a result of the above reforms, a flock of a thousand sheep probably paid in the course of a year's migrations a total of only forty or fifty sheep as montazgos to various towns along its marches, a mere fraction of what had been exacted in the days of unrestricted local extortion during the reign of Henry the Impotent.

Even more interesting to Ferdinand and Isabella than the

[1] Arch. Mesta, B–1, Baeza, 1491; A–5, Aldeanueva de la Sierra, 1493; A–4, Alcántara, 1504: a decree of the Royal Council fixing the montazgo to be paid by flocks using the famous bridge of Alcántara en route to winter pastures in Portugal. The rate was four sheep per thousand for each flock.

[2] By this *matricula* or table of montazgos (Arch. Simancas, Diversos Castilla, 117, *ca.* 1485–90) the tax was restricted to thirty-two cities and towns: five along the cañadas on the north slope of the Guadarrama range (Salàs de los Infantes, Segovia, Sepúlveda, Ayllon, and Ávila); ten on the southeastern cañadas (Atienza, Alcocér, Siguenza, Moya, Huete, Cuenca, Jorquera, Alarcón, Chinchilla, and Murcia); ten in Estremadura (Badajoz, Cáceres, Trujillo, Plasencia, Coria, Medellin, Alcántara, Galisteo, Ribera del Fresno, and Siruela); and seven in central New Castile and Andalusia (Toledo, Talavera, Alcolea, El Cerro, Cordova, Manzanares, and Vilches). The average rate for montazgos was fixed at three head per thousand, but some of the larger southwestern pasturage towns insisted upon and were able to secure higher rates (e.g., Cáceres and Plasencia, each 8 per 1000; Vilches, 12 per 1000; El Cerro, 5 per 1000. In 1552 this list was confirmed without any modifications (*Nueva Recop.*, lib. 9, tit. 27, ley 12) by a schedule which is given with regulations of the royal sheep tax or *servicio y montazgo*, and is therefore sometimes mistaken for a table of royal sheep tolls; cf. Laiglesia, *Estudios Históricos* (Madrid, 1908), p. 242.

montazgo was the portazgo, the ancient tax levied by towns upon goods and animals en route to market.[1] From the earliest times, Mesta charters had exempted the migratory flocks from this form of taxation on the obvious ground that these animals were on their way to pasturage and not to market. Furthermore, according to the original charter of 1273, any sheep, up to sixty in number, which a herdsman might wish to sell in a town market, were exempt from portazgos.[2] These older privileges were duly endorsed by the Catholic Kings, with added emphasis, perhaps, because the portazgo had long since ceased to be a source of royal revenue,[3] though the towns were warned that the consent of the crown was still a prerequisite to portazgo privileges.[4]

The special interest of Ferdinand and Isabella in restricting and regulating the portazgos on the flocks of the Mesta was due to the greatly increased importance of this organization as an instrument for the encouragement of internal commerce. The nationalization of trade, the evolution from local and metropolitan to national markets, was a stage of economic advance the profound importance of which these enlightened sovereigns were the first in the peninsula to appreciate.[5] Their very significant stimulation of greater freedom and fluidity of internal trade stood as the economic counterpart of their political policy of unification. No better means of promoting this development could possibly be desired than the migrations of the Mesta — the broad tide of the country's greatest single resource ebbing and flowing across the length and breadth of the peninsula.

It was, therefore, highly important that everything should be done to encourage the commercial interests and activities of the sheep owners and to facilitate their country-wide transactions in wool and sheep. Older and more or less obsolete restrictions on portazgo collections were revived and new ones created; schedules of various routes were made uniform, and other arrange-

[1] See above, pp. 164–166.

[2] *Quad. 1731*, pt. 1, p. 22.

[3] In 1473 the Cortes lamented this loss, probably because it had to be made up from other sources: *Cortes*, S. Maria de Nieva, 1473, pet. 5.

[4] *Nov. Recop.*, lib. 6, tit. 20, leyes 1–2, 9; Arch. Mesta, Prov. i, 12.

[5] See above, pp. 40 ff.

ments made to protect the trading of the migrating herdsmen.[1] The war for the reconquest of Granada, for example, brought a renewal of an old privilege of 1386 by which Mesta flocks that were fleeing from war zones were exempted from all portazgos of towns along their way. Furthermore, in order to promote the early rehabilitation of trade in the reconquered territory, Mesta herdsmen who ventured into Granada were not to be charged any portazgos or the Andalusian equivalent, almojarifazgos;[2] and similar exemptions were to be accorded to shepherds and flocks frequenting the pastures of Murcia.[3]

Perhaps the most radical of these concessions was that entitling Mesta members to transport grain and other foodstuffs from one part of the peninsula to another without payment of any tax, local or royal.[4] Mediaeval Spanish commerce was hampered at every turn by severe restrictions upon the exportation of such commodities, not only overseas but within the peninsula from kingdom to kingdom, and even from city to city. The above concession was, therefore, a marked recognition of the significance of the Mesta as a medium for the breaking down of local bar-

[1] *Nov. Recop.*, lib. 6, tit. 20, leyes 3–8. Incidentally the entregadores were so emboldened by this aggressive policy of the crown that they even passed sentence of death upon some *portazgueros* whose zeal had made them particularly obnoxious. Arch. Mesta, A–5, Alera, 1498; B–2, Báscones, 1500. Although these sentences were eventually modified by higher courts, the Mesta's purpose had in the meantime been well served by the intimidation of the local officials. One of the best illustrations of this work of standardization is found in a royal decree of 1500 which reformed the portazgo of Alconera, near Cáceres (Arch. Mesta, A–5, Alconera, 1500). The rates were fixed specifically, not *ad valorem*. The commodities listed include all varieties of raw material, food stuffs, cloth, books, animals, and Moorish slaves. Personal effects, such as clothing and jewels, were exempt, as were all articles below fifty maravedis in value. The collectors were required to be in offices easily accessible from the road; and the schedule was to be on public exhibition at all times. This portazgo schedule became a model for many others, in each of which the Mesta had a particular interest because of its greatly increased activity in marketing animals and wool throughout the peninsula. See above, pp. 42–44.

[2] *Nov. Recop.*, lib. 6, tit. 20, ley 9; cf. also *Pragmáticas del Reyno* (Seville, 1520 — the so-called 'Pragmáticas de Ramirez'), fol. lxiii: a decree issued 3 November, 1490, during the preparations for the final campaign against the Moorish capital. On the almojarifarzgo, see below, p. 424.

[3] Arch. Mesta, A–5, Alcácer, 1487; A–3, Albacete, 1488; Prov. i, 10 (1488).

[4] Ibid., Prov. i, 28 d (1504).

riers to trade and for the elimination of mediaeval obstacles in the way of the new nationalization of the Spanish people. The exemptions were by no means restricted to the animals, wool, and other commodities sold by the Mesta members. With increased sales came naturally more purchases of supplies, clothing, and provisions, and these were usually declared by the crown to be free of all portazgos,[1] though in some instances the contentions of larger towns were upheld and the Mesta members paid the usual local tariffs.[2] Instead of being simply itinerant searchers for pasturage, the migrating flocks now took on a new significance; in fact, a new word was now added to Mesta terminology. The animals sold in the town markets along the march had reached such numbers as to require distinctive designation, and they were known thenceforth as *merchaniegos*.[3]

As a corollary to increased commercial activity on the part of the sheep industry, there came a perceptible change, during this period of many changes, from the older practice of collecting local taxes in kind to the assessment of them in money. Conclusive evidence upon so elusive and intangible a development as the rise of a money economy is apt to be very scarce. Nevertheless, a survey of some fifty examples of local sheep tolls mentioned in documents of this period (1474–1516) and representing as many widely scattered Castilian towns, both large and small, shows some thirty-five instances of assessments in money and fifteen in animals. For purposes of comparison, a selection of a similar number of examples from the period 1430–1474 reveals the two forms of payment almost equally divided: twenty-six in money and twenty-four in kind. More specific and perhaps more convincing evidence of this change is revealed in the fact that whereas the royally approved schedule of all Castilian local montazgos of 1485–90 was expressed in kind, the same list, as drawn up in 1495, revealed the rates calculated in money values.[4]

[1] Ibid., S–4, Segovia, 1487; A–3, Albacete, 1487; A–5, Alconera, 1500.

[2] Ibid., A–4, Alcántara, 1497; B–1, Badajoz, 1505.

[3] This term was first used about 1480; see above, pp. 43–44. By the close of the century, it was occurring regularly in almost every document involving local taxes on the Mesta.

[4] Arch. Mesta, Prov. i, 31.

Similar changes from kind to money during this reign are found in the sheep tolls of various towns.[1]

It is, of course, impossible to ascribe this change solely to the influence of the Mesta; other factors, notably the maintenance of peace and order by the new autocracy and the encouragement of trade in general, gave impetus to this evolution from mediaeval to modern economy. It must be admitted, however, that the simultaneous development on the one hand of a greatly increased internal trade in sheep and wool, and on the other of revised and improved local sheep tax schedules, was not altogether fortuitous. The old was giving way to the new in many different phases of the life of the Spanish people during this historic period, and these changes in the character of local taxes, paid by wandering hersdmen, serve as specific illustrations of the profound transformation which Spain was then undergoing.

Important cities, isolated villages, powerful barons, and scattered monasteries had all been accustomed for centuries to levy as many and as heavy tolls upon passing flocks as the prestige of the Mesta and its royal patron would permit. A new force was now making itself felt throughout the land; one that insisted upon uniformity as the first essential to unity; one that stood for the new nationalism — political and economic. By the skilful use of officials of the old regime, such as the corregidor and *juez pesquisidor*, whose forgotten functions were now made real and gradually extended, the departure from the conditions of the past was made to seem less abrupt. This shrewd appreciation of the stolid conservatism of their people was largely responsible for the success of the reforms of Ferdinand and Isabella. The Spanish kingdoms have been ruled at times in their long history by more ambitious and spectacular sovereigns than these two, but never by wiser or more sagacious builders for the future.

[1] Bib. Nac. Madrid, Ms. D–49, pp. 291 ff.: ordinances of Cáceres, 1479; Arch. Mesta, C–1, Cáceres, 1490. The local tax schedules of Murcia, Lorca, Albacete, Baeza, and other southeastern towns are practically all in kind throughout this reign, whereas in Cáceres, Trujillo, Alcántara, Badajoz, Toledo, Madrid, Burgos, and other central and western towns, where the number of visiting flocks increased rapidly during this reign, the tax schedules changed gradually from the more cumbersome assessments in animals to those in money.

CHAPTER XII

LOCAL TAXES UNDER THE HAPSBURGS AND EARLY BOURBONS (1516–1836)

Effect of the rising of the comuneros (1521–25) upon the fiscal affairs of the Mesta. Royal agents defend the Mesta. Sheep taxes of the Military Orders and of the Church. *Diezmos*. Fiscal disorders under the later Hapsburgs. Local taxes in the eighteenth century.

THE financial confusion and ultimate economic collapse of the Hapsburg regime have been repeatedly investigated and are too well known to require review here. The futile attempts to finance the grandiose imperialistic ambitions of the monarchs, the ostentatious profligacy of the royal household, especially during the earlier years of the reign of the Emperor Charles V, the atrocious mismanagement of the exchequer and its exploitation by Flemish courtiers, Genoese and German bankers, and inexperienced Castilians — these were but a few of the heavy burdens that fell upon Spain's enfeebled shoulders. And to add exasperation to exhaustion and confusion, the treasures of Peru and Mexico poured through her fingers and, in spite of frantic legislation by the Cortes, passed to the shrewd and hated foreign favorites and creditors of the Emperor. These familiar aspects of the age of Spain's hollow grandeur need not be examined here. Another phase of Hapsburg finances, however, is of especial importance in the present connection — a phase which has seldom, if ever, been carefully examined, namely the local fiscal policy of the crown, the financial aspect of the relations between the Hapsburg autocracy and the municipalities. It is this phase which is admirably illustrated by the experience of the Mesta.

As is well known, the centralizing policies of the Catholic Kings were adopted and carried out along even more dictatorial lines by the great Emperor. One of the fundamental features of these policies had been the gradual subordination of local affairs to the control of the crown, a course which was carefully fol-

lowed by Charles and his successors. The municipalities, once proud champions of ancient Castilian democracy, gradually lost strength after the bloody defeats which checked their uprisings in the *comunero* disturbances of 1520–21. The hold of the autocracy tightened upon the local institutions, which had already come under the control of the crown during the preceding reign. In 1539 the Royal Council decreed that its consent was a prerequisite to the promulgation of all local ordinances. The old town meeting of *vecinos*, or property owners, had become a mere form, where it had not disappeared altogether; and local administration became a matter of conference between a few town officials and representatives sent out from the royal palace with instructions as to what was to be done, and usually as to how much money was to be collected.[1]

The wayside tax obligations of the Mesta afforded an excellent pretext for the intensification of this policy. The king of Castile now had an effective control over the sheep owners' organization through its President, an office created by Ferdinand and Isabella in 1500 and conferred in turn upon each succeeding senior member of the Royal Council. The Hapsburgs not only made effective use of this office, but they also inherited others of exceptional value in the work of weakening local institutions and privileges. The chancillerías, the corregidores, and the special judge-inquisitors had all been created before the coming of the House of Austria, but the latter evolved new functions for each of these; and in no respect were their services more useful to the crown than in this matter of restricting local taxation of the country's chief industry.

In general, the policy pursued consisted in the restriction of such functions or incomes as still remained to the towns after the Catholic Kings had completed their labors. This purpose became intensified after the uprising of the *comuneros*; and no device was left untried which might expedite the achievement of a dual objective: the debilitation of town prestige and fiscal antonomy, and as a corollary, the perpetuation of centralized absolutism. That tactful consideration for mediaeval institu-

[1] Sacristan, *Municipalidades de Castilla y León* (Madrid, 1877), pp. 415–420.

tions and traditions, which we observed in the previous reign, was noticeably absent. In its stead there appeared an imperious insistence that the meagre sources of local revenue should be devoted to the schemes of world empire, and above all, that no restive separatist democracy should develop and threaten the imperial autocracy.

The study of our subject readily reveals the steps by which it was hoped to achieve these ends. All local alcaldes or justices were warned not to pass judgment in any disputed cases regarding town taxes on Mesta flocks. In fact, the first year of Charles's reign saw the initial steps of the new dynasty toward royal supremacy over these once troublesome local officials. In 1517 the alcaldes were informed that their business was to assist and accommodate the herdsmen, whose flocks were so valuable as a source of revenue to the crown. They were not to presume that they had any jurisdiction in questions of local sheep taxes; they were simply to see that royal decrees fixing town tolls were enforced, and that collectors did not maltreat the shepherds.[1] From being the proud defenders of local privileges, the alcaldes of the smaller towns sank to the ignominious position of message bearers and menials of the Mesta officials. The officials of the larger cities had to be handled more tactfully, of course, with an occasional intimation of the further resources of the crown.

Three administrative and judicial instruments — the chancillería, the corregidor, and the special judge-inquisitor — stand out as the most conspicuous and effective agents of the first two Hapsburg rulers in curbing and gradually crushing the fiscal functions of the larger municipalities and the nobles. The use of these instruments in Mesta matters was by no means an innovation on the part of the new dynasty; as was noted above, the Catholic Kings had employed each of them to good advantage for just such work. The corregidores, or local representatives of the crown, had proved a welcome aid to the Mesta on various occasions during the preceding reign, and they now continued to be invaluable for the purposes of absolutism. By that very fact, however, they had become personages of such power and import-

[1] Arch. Mesta, Prov. i, 51.

ance under Charles V and Philip II that they frequently resented the dictation of roving sheep owners. Occasionally they were ordered by Charles, as they had been by Ferdinand and Isabella, to coöperate with the entregadores in insuring the enforcement of royal decrees regarding local taxes.[1] As the century progressed, however, we find the corregidores taking matters into their own hands and usurping for themselves the former function of the town alcaldes. They accomplished this by hearing charges against Mesta members accused of tax dodging.[2] At times, they even became the defenders of local sheep owners against fiscal agents of the Mesta who were collecting assessments or dues for the support of their organization.[3] Such procedure naturally brought them into direct conflict with the entregadores,[4] over whom, it will be recalled, the Mesta and its royal patrons did not acquire complete control until 1568, when the proprietary entregador-in-chief sold his rights to the sheep owners. We can readily understand, therefore, the thinly disguised gratification of the Hapsburg monarchs over this assumption of new fiscal jurisdiction by their corregidores. In fact, these assiduous agents soon became so active that the Mesta had to resort to the final authority of the Royal Council, the highest court in the land, and to the chancillerías, in order to override or modify some of the more obnoxious decisions and decrees of the corregidores.[5]

During the reign of Charles V the chancillerías proved to be welcome havens for the sheep owners in their conflicts with local tax gatherers. It will be recalled [6] that these high courts at Valladolid and Granada did not display their attitude of arrogant contempt for royal authority until the closing years of Charles V's long career. It was not until about 1545 or 1550 that they began to come forward as staunch defenders of local privilege and of traditional Spanish separatism, as opposed to the Mesta and its friend, the Royal Council. Previous to the early 1540's,

[1] Arch. Mesta, B–1, Badajoz, 1727 (cases of 1529 ff.); M–4, Montaches, 1549.
[2] Ibid., A–7, Andújar, 1530; A–9, Ansejo, 1556; U–1, Úbeda, 1532.
[3] Ibid., A–2, Agreda, 1552.
[4] Ibid., C–1, Cáceres, 1551.
[5] Ibid., U–1, Úbeda, 1532; M–1, Madrid, 1565.
[6] See above, p. 114.

however, the chancillerías were not only active in their support and confirmation of the rulings of the entregadores, but in addition they were frequently resorted to as courts of first instance by the Mesta attorneys. Such direct appeals to the highest courts of the land for the prompt and final settlement of disputes over local taxation clearly indicated the importance attached by the sheep owners to this subject, and their fear of the power of the defendant towns.[1]

For a period of some thirty years, following the accession of Charles V in 1516, the protecting aegis of the great Emperor's firm autocracy assured to the Mesta the invariable and immediate support of the high courts at Valladolid and Granada. In that period nearly thirty notable tax decisions were promptly handed down by the chancillerías in cases which had not been previously heard by any lower courts. It was indeed gratifying to the sheep owners to have their petitions against the tax collectors of such powerful municipalities as Ávila, Segovia, Toledo, Granada, Toro, and Cuenca answered with despatch, and, on the whole, with unreserved affirmation. Some of these decisions, for example those against Segovia and Cuenca, were frankly intended to exempt Mesta members from taxes justly levied by their own towns. This illustrates vividly the enfeebled condition of the once vigorous and militant spirit of local autonomy, and the growing arrogance not only of the Mesta, but of its royal patron and of the chancillerías. The latter also proved during this period to be invaluable allies against the great nobles, who had in previous decades, as a rule, been quite impervious to the timid attacks of itinerant entregadores. Now, however, the two chancillerías, with cordial encouragement from the by no means disinterested monarch, handed down a series of stern mandates against that once perennial and obnoxious practice of the baron-

[1] There is only one case of the chancillería sitting in a Mesta case as a court of first instance previous to the accession of Charles V. Arch. Mesta, F -2, Fuente el Sauco, 1511. The more important cases between 1516 and 1550 are found in C–2, Camarena; F–2, Fuente el Sauco; G–1, Granada; M–2, Majambrez; T–4, Toro; Z–1, Zaias; F–2, Fuerte Escusa; S–5, Segovia; A–3, Alhambra; C–2, Cuenca. One of the most important of these decisions was that against the tax collectors of the Hermandad of Toledo (M–4, Montalbán), a powerful organization owning extensive pastures and valuable taxation privileges.

age, the promiscuous taxation of all who passed by their castle gates or through the towns of their suzerainties. Obviously no class had suffered more from this than had the sheep owners, who were loud in their praises of the high court decisions against such grandees as the Dukes of Albuquerque, of Arcos, of Soruela, and of Maqueda. Even the exalted prerogatives of the *Adelantado*, the *Almirante*, and the *Condestable* of the realm, the highest posts accessible to Castilian nobility, did not insure exemption from the mandates of the chancillerías.[1] But the latter did not long continue to be safe havens for the Mesta and its complaints against local tax gatherers. Because of their jealous pride in that decentralization of which they soon became the champions,[2] these two high courts were inclined more and more, toward the close of the reign of Charles V, to depart from the expressed desires of the Royal Council and the Mesta, and to limit the decrees of the latter's agents and entregadores. The first indications of this attitude appeared in a decision of 1533, which was followed by others of similar tenor in 1535, 1537, 1539, and 1540.[3] In each of these cases the defendant towns were acquitted of the herdsmen's accusations that they were levying extortionate and illegal sheep taxes. By 1556, when Philip II took up the heavy burdens laid down by his melancholy and broken-spirited father, the regularity with which the two chancillerías modified or reversed the decisions of the entregadores brought home to the Mesta the sad fact that it could no longer turn to the high courts with implicit confidence.

The last but by no means the least useful agent employed by autocratic centralization, in this effort to limit the tax function of the towns, was the special judge-inquisitor, the immediate representative and sometimes a member of the Royal Council.[4]

[1] Arch. Mesta, M–7, Mula, 1537; R–2, Rueda, 1539; S–5, Socuéllamos, 1537; M–1, Mansilla, 1543, V–4, Villalpando, 1548; R–2, Roa, 1549; M–1, Marchena, 1597.

[2] See above, pp. 114 ff.

[3] Arch. Osuna, Béjar, caj. 6, nos. 53, 59; Arch. Mesta, F–2, Fuerte Escusa, 1533; M–7, Murcia, 1540; F–1, Fronterac, 1539; A–7, Altamiros, 1537; B–1, Badajoz, 1727 (case of 1540).

[4] It should not, of course, be understood that these special judges, or *juezes pesquisidores*, were used exclusively for the purposes of the Mesta. The experience of the latter with these officials simply affords an excellent illustration of their func-

Here, again, the Hapsburgs were creating no new instrument of absolutism; they were simply utilizing an official who had already been well tried and found valuable by the Catholic Kings.[1] It was during the decade immediately following the suppression of the rebel *comuneros* in 1521 that these royal investigators of local fiscal privileges were particularly active against the nobles, the larger cities, the military orders, and the church. Unlike the chancillerías, or even the corregidores, these *juezes pesquisidores* were under the direct control of the Royal Council. They were appointed by it usually for a brief period and for the investigation of the tax privileges of but a single bishopric or small group of bishoprics;[2] they were endowed with exceptional inquisitorial powers, and reported their findings immediately to the Council.

Here was an official admirably equipped for the purposes of autocracy.[3] It is not surprising, then, to find the counsellors of Hapsburg absolutism responding readily to the urgings of a certain Juan Ruiz de Castejon, the most energetic court attorney of the Mesta, who served its cause with unflagging zeal during forty long years. With tireless persistence, that ardent advocate of the sheep owners saw to it that constant use was made of these *pesquisidores*, especially during the years of stern repression after the *comuneros* had been beaten and while autocracy was in full command. Like the chancillerías, these inquisitors had as one of their special purposes the curbing of the fiscal activities of the nobility. They were, nevertheless, forced to go about this work most discreetly and tactfully, since the Royal Council, to which they reported, was itself made up of great lords, secular and ecclesiastical, whose relatives and friends had to be carefully spared from disagreeable inquiry.

tions and importance. Other instances of their activity as agents of sixteenth-century Hapsburg centralization are numerous. Cf. Ulloa, *Privilegios de Cáceres* (1676 ?), pp. 338 ff.

[1] See above, pp. 213 ff.

[2] During this period the bishoprics of Cartagena and Cuenca were usually assigned as one jurisdiction, while larger bishoprics or archbishoprics, such as Toledo or León, were usually assigned singly.

[3] The character of the office during this period is well shown in the commissions, recommendations, and decisions in a case regarding sheep taxes collected by the town of Albalá. Arch. Mesta, A–3, Albalá, 1525.

In the course of the decade 1526–36 there were more than fifty hearings held by the *pesquisidores*. They usually sat for a few weeks at some large city, such as León, Toledo, Segovia, or Seville, and inspected the taxation privileges of various neighboring towns, nobles, or ecclesiastical establishments.[1] As a rule they were expected to coöperate with the Royal Council by submitting their recommendations to that body for confirmation. Notwithstanding this understanding, which was not always clearly stated in their instructions, by about 1545 we find them following the example of corregidores and chancillerías, and developing unmistakable signs of restive ambition. Occasionally they disregarded their supposed obligations to the Council and the Mesta and handed down decisions of their own, or accepted the contentions of the defendant tax collector when the latter's prestige made such a step expedient.

Curiously enough, this procedure was not immediately checked by the Council, in spite of energetic protests from Castejon, the Mesta's attorney. In fact, it soon became evident to the sheep owners that even if the *pesquisidores* remained loyal to the Mesta, their days of usefulness to that body were nearly over. Towns and nobles began to question the authority of these special inquisitors, whom they naturally regarded, not as representatives of the Royal Council, but as officers of the hated Mesta.[2] Finally, in 1540, the chancillería of Granada calmly proceeded to usurp for itself the position, supposedly reserved to the Royal Council, of appellate court for *pesquisidor* decisions. In the course of a notable and acrimonious suit between the Mesta and the city of Murcia, the latter's attorney delivered a scathing denunciation of the sheep owners, those magnate malefactors, those tax-dodgers, who were " the cause of the scandal-

[1] Some of the forms of taxation in which these investigators were especially interested were the *estancos* and *barcajes*, ferry tolls levied at the numerous rivers and streams which cross the peninsula from east to west. Cf. *Nueva Recop.*, lib. 6, tit. 11, leyes 10, 13.

[2] The earliest example of this is found in a case between the Mesta and the *portazguero* of Campaña de Albalá, near Plasencia (Arch. Mesta, C–2, Campaña, 1526), when the plea was made on behalf of the town that, as a suburb of Plasencia, it should enjoy the latter's well known exemption from any intrusion of Mesta officials.

ous rise in the prices of grain and wool, of food and clothing." There was, he declared, no precedent for the admission of the entregadores or any other Mesta judges, such as these *pesquisidores*, within the jurisdiction of the city, which included a wide area of the surrounding country. The chancillería concurred fully with this view, and thereby established a precedent which became a formidable weapon in the hands of the towns. The *pesquisidores* lingered on for many years; the last instances of their activity on behalf of Mesta tax exemptions occurred in 1597.[1] Nevertheless, their utility to the Mesta had clearly ceased before the accession of Philip II in 1556. Occasional cases were still heard by them; but the number was small, and the Mesta attorneys were soon disheartened by the regularity with which the chancillerías took over the appellate function of the Royal Council.[2]

By 1551, the ever watchful but now discouraged Mesta attorney, Castejon, was lamenting the woful lack of judicial protection afforded to his clients.[3] Warnings were, therefore, sent out by the Council to thirty-seven cities and towns that its agents, as well as its decrees, were to be implicitly obeyed. It became evident, long before the great Hapsburg Emperor retired behind the portals of his monastic retreat in 1556, that autocratic centralization could not sweep aside or even minimize the taxation privileges of the towns. Corregidores, chancillerías, and *pesquisidores* were equally useless for this purpose, though they were employed by the sagacious Catholic Kings and their illustrious grandson to smother for a time the smouldering fires of separatism. But as the distracting cares of his world empire diverted the attention and energies of the Emperor, the incompetence of his subordinates gave the towns and other local interests their opportunity; by the early 1540's, the old *regionalismo* was once more bursting into flame. Occasionally thereafter the chancillerías supported the rulings of the entregadores regarding local taxes; but more and more frequently, as the reign of Philip II

[1] Arch. Mesta, A–3, Alarcón, 1597.

[2] On other aspects of this sixteenth-century rivalry between chancillerías and Council, cf. pp. 115–116.

[3] Arch. Mesta, Prov. i, 48.

drew to a close, the decisions of the itinerant judges were reversed by the high courts.[1] Corregidores and *pesquisidores* likewise disappointed the Mesta, and the sheep owners gradually learned that in fiscal, as in judicial, matters they could no longer count upon any effective support from the crown and its officials. After the middle of the sixteenth century, the Mesta waged no aggressive campaigns against local sheep taxes; thenceforth it became distinctly defensive in its attitude, clinging to such ancient tax exemptions and privileges as it was still permitted to enjoy.

No better indication of this change of temper could be found than the increasing number of *asientos* or *concordias* — toll agreements drawn up between the sheep owners and the various local interests. During the seventy odd years of firm and aggressive absolutism from 1474 to about 1545, the Mesta archive reveals but six or eight such agreements,[2] and even these are largely perfunctory confirmations of earlier ones. After that period, however, the *concordias* reappear with increasing frequency, and, what is even more important, with terms and phraseology which clearly indicate the conciliatory and submissive attitude of the Mesta. In the forty-two years of the reign of Philip II (1556–98), there were some thirty important new *concordias*, as well as many renewals and confirmations of older ones.[3] In drawing up the majority of these, the Mesta refrained from its accustomed insistence upon confirmation by its royal patron or his Council. In fact, in some cases, the chancillerías,

[1] A few examples are found in Arch. Mesta, A–1, Abertura, 1588; A–7, Arguijuela, 1589; A–6, Almansa, 1593; B–3, Baena, 1595; S–4, Segovia, 1583; P–2, Penaflor, 1584; B–1, Badajoz, 1727 (case of 1585); M–4, Montalbán, 1595; A–9, Aza, 1595.

[2] See above, p. 219.

[3] These *concordias*, like those of the fifteenth century (see above, p. 205), were made with cities, nobles, military orders, churches, and monasteries. Good examples are found in Arch. Osuna, Manzanares Mss., caj. 3, leg. 5, no. 16 (1591), and leg. 2, no. 34 (1582); Arch. Mesta, B–3, Bilbiestre, 1586; M–4, Monaches, 1549; M–4, Montalbán, 1577; G–1, Galisteo, 1583; A–3, Ayllon, 1593. In contrast with the earlier agreements, few of these exempt breeding rams, bell ewes, and other more valuable animals from seizure in payment of taxes; nor did these later *concordias* give the sheep owners any part in arranging such matters as the feeding of flocks awaiting assessment, the payment of fees for receipts, etc.

the Mesta's now hated opponents, unceremoniously ignored the ancient privileges of crown and Council by ordering the sheep owners to submit their *concordias* to the high appellate courts for final confirmation.[1]

Neither in the *concordias* nor in the litigations of this period, after the accession of Philip II, was there any special effort made to discriminate between the various types of local sheep taxes. Thirty-two towns were still recognized as legally entitled to collect montazgos varying from two to eight sheep per thousand;[2] but from the Mesta's point of view, these and many similar local dues, which had been so constantly disputed during previous reigns, had by this time become merged into a general mass of local tolls or *derechos*, the separate identity and significance of which had been quite forgotten.[3] The tenor of sheep owners' complaints was not against this or that tax, but that whatever was collected should be levied as a tax or toll and not as a penalty. Should flocks stray from the cañadas and do any damage, their owners were to pay for such damages only and were not to be subjected to any *quintas* or fines.[4] Throughout the reign of

[1] Arch. Mesta, J–1, Jerez de Badajoz, 1563.

[2] This list was confirmed in 1552. *Nueva Recop.*, lib. 9, tit. 27, ley 12. It was the same as that of the reign of Ferdinand and Isabella.

[3] The thirty-two authorized montazgos had come to be so widely accepted by Mesta members as matters of course that even the name of that tax almost entirely disappeared in documents drawn up after 1520 or thereabouts. A notable exception was the historic suit brought against the Mesta in 1535 by the famous poet-courtier, Garcilaso de la Vega, regarding his inheritance of the montazgo privileges of Badajoz. The sheep owners succeeded in defeating the poet's efforts to increase that tax. Arch. Mesta, B–1, Badajoz, 1727. See Garcilaso's *Egloga Primera*, vv. 189–193.

[4] The term *quintar* (to penalize, theoretically by the seizure of a fifth of the offending flock) occurs frequently in mediaeval town ordinances and *fueros*. Cf. Arch. Osuna, Béjar Mss., caj. 30, no. 1 (fuero of Béjar, 1211); Yanguas, *Dicc. de Antiguëdades de Navarra*, ii, p. 624; Acad. Hist., Mss. Fueros, Privilegios, y Ordenanzas Municipales, i, fols. 32–98 (fuero of Sepúlveda, tit. 6); Ureña and Bonilla, eds., *Fuero de Usagre*, pp. 128–129. *Quad. 1731*, pt. 1, pp. 53–68, contains decrees of Alfonso XI (1347 ff.) forbidding penalties of *quinto* or *quarto* and allowing only the seizure of a sufficient number of sheep to pay for the actual damage done. The term *quintar* then disappeared from Mesta terminology, and did not come into use again until the sixteenth century, when it meant simply ' to fine,' and was never interpreted to indicate the seizure of a fifth or any other specific fraction of a flock. Cf. a similar change in the *medio diezmo*, which was paid by the shepherds to mili-

Philip II, in fact from about 1550 onward, the Mesta contended that the flocks of its members should pay only tolls and actual damages, whereas the non-migratory *estantes* should pay not only the damages done by them but also whatever penalties and fines were stipulated in the town ordinances.[1] Let local flocks be punished according to local laws, but transhumantes owed no such obedience, and could, they alleged, be held only for such damages as Mesta officials were ready to approve. Toward the close of the century, however, after the loss of several costly litigations, the Mesta was humbly willing to have the damages assessed by two property-holders of the town where the offence was committed — an old, but long forgotten, custom dating from the fourteenth century.[2] By 1600 the opposition of the Mesta to local taxation of its flocks had thus simmered down to feeble protests, uniformly futile entregador decisions, and occasional equally resultless decrees of the Royal Council.

There remain for our consideration here two other phases of the Mesta's fiscal relations during the sixteenth century, namely its obligations to the military orders and to various ecclesiastical establishments. In the Middle Ages, both of these groups of institutions were on practically the same footing as the nobles and the cities; like these they represented what we have been designating as local interests, the decentralizing forces of separatism. Under the influence of the sixteenth-century autocracy, however, they assumed a different position with reference to the fiscal affairs of Castile in general and the Mesta in particular.

tary orders and churches (below, p. 242). During the reign of Ferdinand and Isabella, the old form of *quinto* occurs in one or two instances, but under Charles V it became *quinta*, possibly to distinguish this local fine from the *quinto* or royal fifth of the product of the mines of Castile and later of America. Cf. Arch. Mesta, A–9, Âvila, 1502; A–4, Alcaraz, 1512; A–7, Andújar, 1530; T–2, Toledo, 1551; M–3, Medellín, 1553.

[1] The usual penalty for such trespass by strays was the *tres tanto* or triple the amount of damage done. Arch. Mesta, B–4, Buendía, 1594; M–3, Mestanza, 1591; P–5, Pozuela, 1593.

[2] The town of Madrid was among the most persistent defenders of this local prerogative of levying penalties in addition to damages. Arch. Ayunt. Madrid, Mss. sec. 2, leg. 214, no. 4 (1537); leg. 358, no. 57 (1567); *Quad. 1731*, pt. 1, p. 53 (1347); *Nueva Recop.*, lib. 3, tit. 14, ley 4.

Under Ferdinand and Isabella, the crown acquired control of the great military orders, by the election of Ferdinand to their grand masterships, and by the foundation of the royal *Consejo de las Órdenes* in 1488.[1] The fiscal relations of the Mesta and the military orders were, therefore, considerably affected, as will be pointed out below, though the tax prerogatives of the orders, as such, were by no means taken over by the crown. Similarly the taxes and fines paid to religious establishments by sheep owners, and especially the disputes incident to such payments, were materially altered when the Pope granted assistance in the shape of various ecclesiastical incomes to the Spanish sovereigns for the prosecution of the war against the infidel.[2] Because of these grants, the relations between crown and church also underwent an important change, which, as in the case of the military orders, indirectly affected the tolls and dues paid by Mesta members to ecclesiastical establishments.

From their very beginnings in the twelfth century, the four great military orders of Santiago, Calatrava, Alcántara, and Montesa had been rewarded for their services in the wars of the Reconquest by royal and papal grants of taxation privileges.[3] The significant feature of these concessions in the present connection is the fact that among the largest of these incomes were the rents of pasture lands granted to the orders as *encomiendas* or fiefs. These great estates comprised one hundred and five of the most frequented southern and western *dehesas* or pasturage districts.[4] Aside from these rentals, there were other payments made to the orders by Mesta members in the form of dues and

[1] *Semanario Erudito*, iii, p. 164.

[2] Notably for the wars against Granada (1482–92), Tunis (1535), Algiers (1541), and against the Turks intermittently for some years before and after Lepanto (1571).

[3] Danvila, "Origen, naturaleza, y extensión de los derechos de la Mesa Maestral de la Orden de Calatrava," in the *Boletín de la Real Acad. de la Hist.*, xii, pp. 116–163 (Madrid, 1888): surveys of the incomes of Calatrava from its earliest years until the nineteenth century.

[4] The use of the term *dehesa* in this connection, indicating a pasturage region or district, is not to be confused with the other and more common sense of a local enclosure of pasturage. See below, p. 303. For the location and descriptions of these *encomiendas*, see Fernandez Llamazares, *Historia compendiada de las Órdenes* (Madrid, 1862), pp. 388 ff., and also the excellent map in Álvarez de Araujo, *Recop. Histórica de las Órdenes* (Madrid, 1875); see also below, pp. 271, 282.

fines, including tithes or *diezmos* granted to the orders by the papacy, which were collected not only from permanent residents in the *encomiendas*, but also from visiting migratory flocks.[1] There were in addition to these various tolls called *rondas*, which were levied ostensibly for services rendered by the military orders in the suppression of *golfines* and other rural marauders.[2] The normal rate of the *ronda* was two sheep from every thousand, and the total number thus collected in any one year was limited by royal edicts usually to about seven hundred.[3]

The *diezmos* or tithes collected of the transhumantes by the orders because of the latter's services to the faith were, like the ordinary ecclesiastical *diezmos*, never levied in tenths. The rates varied from one-twentieth to one-fortieth; in fact, they were usually called *medios diezmos*. This was explained in a decree of Sancho IV, issued in 1285, which commanded that, since shepherds were already paying their regular *diezmos* at full rates in their home towns, they should not be required to pay more than a fraction of such tithes in their southern pastures.[4] By the sixteenth century, most of the *medios diezmos* of the orders had become fixed at twenty-five sheep per thousand; and a third of the sheep thus taken, or their money equivalent — the 'pontifical third' — were handed over to the crown, the remainder being retained by the order.[5]

The establishment of royal control over the military orders in the sixteenth century was indeed a boon to the sheep owners, since it meant that the tolls once paid to more or less unscrupulous fiscal agents of the orders were thenceforth to be administered

[1] The sheep owners resident in the *encomiendas* usually paid their *diezmos* to the local churches and not to the orders; cf. *Bull. Ord. Milit. Calat.*, pp. 208–209; Fernandez Llamazares, *op. cit.*, pp. 206 ff.

[2] See above, p. 89, n. 2.

[3] *Bull. Ord. Milit. Calat.*, p. 202; Arch. Mesta, A–3, Alhambra, 1555.

[4] *Quad. 1731*, pt. 1, p. 17.

[5] *Ibid.*, pp. 32–27; *Nueva Recop.*, lib. 1, tit. 5, leyes 6–8; Arch. Mesta, C–2, Calatrava, 1556. Arch. Mesta, A–5, Alcudia, 1558, contains a royal edict forbidding the collection of *morruecos* (breeding rams) as part of the *medios diezmos*. *Bull. Ord. Milit. Calat.*, p. 209; Arch. Mesta, C–2, Calatrava, 1556 (data from the thirteenth century): agreements between the crown and Calatrava dividing the *medio diezmo* receipts equally between them.

by the more friendly officers of the king. Furthermore, all disputes were settled by the Council of the Orders, which was affiliated with the Royal Council, and was therefore uniformly partial to the Mesta.[1] On the once vexatious question of tolls and dues, sixteenth-century autocracy thus brought most welcome friendly relations between the migrants and the orders; almost the only solace, in fact, which came to the Mesta during these declining years of its prestige.[2]

Ecclesiastical establishments which collected the usual local dues, montazgos, portazgos, etc., met with the same treatment during this century as that accorded the various towns and nobles. Occasionally some of the larger monasteries were given special consideration, and their tax privileges were investigated by royal commissioners. As a rule, however, the entregadores, encouraged by the rigorous absolutism of the Catholic Kings and Charles V, felt themselves quite equal to denouncing the tax claims of such dignitaries as the bishop of León or even the archbishop of Toledo, primate of all Spain.[3] But the chancillerías soon appeared as the defenders of the cherished separatism, and the orders and monasteries turned to them for aid in upholding their privileges. Like the towns, the ecclesiastical establishments found these high courts ready and eager to defend them against the Mesta and its staunch ally, the Royal Council.[4]

The two ecclesiastical taxes with which the Mesta was concerned were the *cruzada* and the *diezmo*. The former has already been discussed, in connection with the question of the disposal of *mostrencos* or stray animals. It will be recalled that the particular interest of the Mesta in this pious fund for the crusade against the infidel arose from the fact that strays were claimed

[1] Arch. Mesta, T–2, Terrinches, 1527; H–1, Herrera, 1533; A–5, Alandia, 1558; A–3, Alhambrosa, 1553; C–2, Calatrava, 1556.

[2] The problem of rentals for pasturage belonging to the orders was more troublesome for reasons indicated below, pp. 327–335, *passim*.

[3] Arch. Mesta, A–5, Alcazar de Consuegra, 1529; V–2, Vegamián, 1536; T–2, Toledo, 1551.

[4] The earliest chancillería decision on this point against the Mesta and in favor of a religious establishment was rendered in 1541. Arch. Mesta, B–3, Boñar, 1541. This was later accepted as a precedent in many similar cases.

both by the Mesta and by the *cruzada* collectors.[1] The Mesta had, of course, always regarded such animals as the special objects of the semiannual meetings to dispose of ownerless stock. The church authorities, on the other hand, produced ample documentary evidence of their title to all unclaimed property, including the goods of persons dying intestate, and the belongings of unknown individuals.

The ecclesiastical diezmo or tithe, which must not be confused with the royal export and import tax of the same name, was more or less universally introduced in the Spanish kingdoms early in the Middle Ages.[2] As indicated above, the military orders and the crown frequently enjoyed a share of the yield of the diezmo, not only for the prosecution of Moorish wars, but also for the maintenance of such educational institutions as the University of Salamanca, which was largely supported by diezmos.

As was noted above, this tax was not levied on the migrants at the usual rate of a tenth, because the herdsmen had already satisfied half of their tithe obligations by partial diezmo payments to the churches of their home towns. The southern *medio diezmo*, which was sometimes known as the *rufala*, came to be the cause of constant friction between shepherds and ecclesiastics whenever the latter persisted in attempting to levy the full diezmo rates.[3] From the earliest years of the Mesta this tax had been

[1] See p.15.

[2] See below, p. 256. Vinuesa, *Diezmos de Legos en las Iglesias* (Madrid, 1791), cites *diezmos* of the tenth century levied not only by churches but also by kings, military orders, and nobles, with the consent of the Pope and for the support of the Christian armies. *Un presbítero secular* (probably Manuel Ros), in *Historia y Origen de las Rentas de la Iglesia* (Madrid, 1793, pp. 187–231), declares that the *diezmo* was " willingly paid by Spain, and that it undoubtedly benefited the country, and was not universal there until about 1490." An opposite and probably more nearly correct view on each of these points as to the acceptability and the prevalence of the *diezmos* is taken in Sempere y Guarinos, *Historia de las Rentas Eclesiásticas de España* (Madrid, 1822), pp. 74–113. See also Vicente de la Fuente, *Historia Eclesiástica de España* (2d ed., Madrid, 1873–75, 6 vols.), iv, pp. 404–406, for copious references to the *Partidas*, the *Nov. Recop.*, and the minutes of the Cortes sessions; and Paul Viard, *Histoire de la dîme ecclesiastique* (Dijon, 1909).

[3] Acad. Hist., Mss. 25–1–C–12, pp. 432–441, 462–583; 25–1–C–13, p. 284: suits between the Mesta and various churches of Murcia, Cartagena, and Seville, of 1270 and after; *Quad. 1731*, pt. 1, pp. 17, 32: Mesta privileges of 1273 and 1285; *Cortes*, Zamora, 1301, pet. 34.

paid in money or in small fractions of the flocks but never in the full tenth. In fact, it was frequently farmed out by the churches, and was then assessed as a toll at rates agreed upon between the Mesta attorneys and the lessees.[1]

This arrangement continued to be mutually acceptable until the assurance of support from the sixteenth-century autocrats prompted the Mesta to declare against the payment of any diezmo whatever to churches in the southern and western bishoprics. The Mesta attorneys conducted an energetic campaign by bringing cases into the higher courts, by lobbying in the Cortes sessions, and even by litigation in the tribunals of the Vatican itself. For twelve years (1511–23), some of the best legal talent on the staff of the Mesta maintained offices in Rome to conduct diezmo suits against the bishop of Osma and other great ecclesiastics, challenging their right to levy any tithes upon migrating herdsmen while the latter were away from home.[2] To this project the ever friendly members of the Royal Council, led by their President, who was ex officio the President of the Mesta, lent their then potent support. As a result, royal decrees were issued in 1525 and 1530 which forbade the collection of most of the *medios diezmos* in the southern winter pasturage regions.[3]

But only one generation of Mesta members enjoyed this respite from ecclesiastical taxation. As the Royal Council became less effective, and the strength of the chancillerías and other champions of decentralization increased, the bishops reasserted their ancient claims. Finally, in 1562, as the result of a suit brought against the Mesta by the powerful bishop of Plasencia, the Royal Council was forced to accept the contentions of the ecclesiastics. It still reserved to itself, however, the right to approve or reject all schedules of diezmo rates.[4] By the close of the century, the Mesta was even forced to pay the full diezmo rates

[1] Arch. Mesta, T–2, Toledo, 1501: texts of fifteenth-century *diezmo* agreements.

[2] Ibid., Cuentas, September, 1511 ff.: accounts showing the salaries and other costs of these litigations; the necessary sums were raised by special assessments on the sheep owners who had been paying the disputed diezmos.

[3] Ibid., P–3, Plasencia, 1525, and C–9, Cordova, 1530; *Cortes*, Toledo, 1502, 1525; Valladolid, 1506, 1518, 1523; and Burgos, 1506, 1511, and 1515.

[4] Arch. Mesta, P–3, Plasencia, 1562.

upon certain of its animals in both northern and southern pastures,[1] and although the full tenth was never levied on all of its flocks while in the south, its members were never able thereafter to avoid payment of the *medio diezmo*.

There can be no doubt that the seventeenth century, the latter half of Hapsburg domination in Spain, was a period the equal of which in dismal depression and sordid melancholy it would be difficult to find in modern history. The disasters of that dreary epoch were largely the inevitable results of the policies and traditions formed in the previous century. The clumsy efforts to operate the increasingly complicated mechanism of the autocratic government of an empire that had become, by 1580, the largest in history had exhausted the laborious Philip II in spite of his stubborn determination. And when his successors sank from short-sighted asceticism to feeble incompetence and finally to hopeless imbecility, the elaborate administrative machine which had been built around and upon the autocrat collapsed into worthless wreckage.

The chief contributions of the Mesta to the economic ruin which accompanied and partly caused this political decay will be considered later.[2] The present problem, namely the fiscal relationship between the Mesta and the towns, throws some much needed light upon the real influence of the sheep owners' organization upon the country's affairs, administrative as well as economic. We shall find that the Mesta was by no means so potent an engine of destruction as it is usually represented to have been. Its aggressions had long since ceased; in fact, as has been already indicated, the middle decades of the sixteenth century saw the unmistakable beginnings of its decline. Its fortunes were bound up with those of the autocracy, and when that failed the Mesta failed also.

To say that ' the four million sheep of the Mesta were now [in the reign of Charles II, 1665–1700] the undisputed masters of

[1] Arch Mesta, P–3, Plasencia, 1594. These rates were applied to horses and the other larger animals belonging to Mesta members.

[2] See below, pp. 336 ff.

the immense dreary plains of Castile,'[1] gives an entirely erroneous impression. The 'mastery' of the Mesta had been lost a hundred years before the imbecile Charles II first sank into his throne. Ever since the 1540's and 1550's the sheep owners had been fighting a losing fight. We have already observed this with regard to the efficacy of the Mesta's entregadores and of its contentions in fiscal relations with the towns.

The assumption of most historians, that the agricultural ruin of Castile was both caused and followed by the extension of Mesta pasturage, is due to the reliance of such investigators exclusively upon the empty legal phraseology of contemporary statutes and royal decrees. This question of the conflict between arable and pasture interests belongs to a later chapter, but the evidence, offered by the fiscal affairs of the Mesta during the seventeenth century, proves not only the helplessness of that body but the complete inability of its only allies, the crown and the Royal Council, to save its high-sounding and oft confirmed tax privileges and exemptions from violation by the towns, the nobles, and the churches.

Within a decade or two after the death of Philip II in 1598, the entregadores had lost practically all their prestige as arbitrators of tax disputes. They had become so harmless, in fact, that Cáceres, Plasencia, and other towns, which had jealously guarded their ancient privileges of exemption from entregador visits, now scornfully allowed these itinerant justices the freedom of their jurisdictions. Meanwhile the cities carried their tax claims before the chancillerías, where full confirmation was promptly conceded to them.[2] Against the tax privileges of the nobility and high ecclesiastics the entregadores were equally powerless.[3] In its conflicts with the nobles and church officials, the Mesta had occasional unexpected assistance from its enemies, the chancillerías. These high courts became much interested in weakening the

[1] Maurice Ansiaux, "Histoire économique de l'Espagne," in *Revue d'économie politique*, December, 1893, p. 1053, with references to Weiss, Colmeiro, and others.

[2] Arch. Mesta, C–1, Cáceres, 1628.

[3] Arch. Osuna, Manzanares Mss., caj. 3, leg. 5, no. 18, and Infantazgo Mss., caj. 5, leg. i, no. 10 — several entregador decisions of 1599 ff. accepting the contentions of tax collectors of various nobles.

power of the baronage and the ambitious clerics whenever these threatened to take the place of the enfeebled sovereign in the work of destroying the tax privileges of the towns. Occasionally the defeated nobles turned to the Royal Council as a means of circumventing the chancillerías. The councillors, most of whom were themselves the heads of titled families, usually responded eagerly to the suggestion of renewing hostilities against their old enemies, the high courts at Valladolid and Granada.[1] As a rule, however, the old alignment continued throughout the seventeenth century. On the one side stood the chancillerías, defenders of local privileges, separatism, and decentralization; and on the other, the Mesta, aided in its feeble efforts to retain its old exemptions by that constant friend of autocracy and opponent of local power, the Royal Council.

The reign of Philip III (1598–1621) formed a peaceful interlude between the war-ridden periods which preceded and followed. This brief respite was used by the monarchy to strengthen its prestige by remodeling the old sixteenth-century system of conciliar government. The series of administrative and advisory councils with which Ferdinand and Isabella had surrounded themselves appealed to the easy-going Philip's love of association with rival groups of flattering courtier favorites. As a result the Royal Council was soon remodelled into a form not unlike the Parlement of Paris, with a thoroughly centralized administrative organization of chambers and ministries. Nothing could suit the Mesta better, and it promptly made use of the friendship of the Council by carrying as many cases as possible directly to it and to its new ministries instead of risking the chance of unfavorable decisions from the high courts at Valladolid and Granada.[2]

[1] Various instances of the opposition of the chancillerías to the nobles and of the assistance rendered to the latter by the Royal Council are found in Arch. Osuna, Béjar Mss., caj. 8, no. 45; ibid., Infantazgo Mss., caj. 2, leg. 15, nos. 21–25; Arch. Mesta, V–4, Villalpando, 1618; H–1, Huelgas de Burgos, 1618 ff.

[2] Instances of the increased eagerness of the Mesta attorneys to take advantage of the supposedly increased power of the Council and to avoid the dangers of the chancillerías are found in Arch. Mesta, C–5, Casa Rubio, 1622; A–1, Avanilla, 1639 (a successful attempt of the Council to check the tax exactions of a powerful *encomendero* of the Order of Calatrava); B–1, Baeza, 1639; B–4, Belorado, 1651;

The Council proved loyal but sadly unequal to the task, though its decisions in favor of the sheep owners and against the local tax gatherers were frequent; too much so, in fact, for the very frequency with which a given suit was renewed against the same defendants was proof of the inefficacy of the litigation. Cases were laid upon the tables of the Council for periods of years, and even of decades, and the defendant tax collectors were warned that 'while the matter was under advisement, no tolls or fees were to be levied upon the shepherds.' Troops of notaries were sent out 'to gather evidence and sworn statements,' and spent aimless, leisurely years about their lucrative tasks.[1] The old statute books were searched for laws that might be brought to bear against the local collectors; and even the long forgotten laws of the Cortes of Toledo of 1480 were dragged out of the honored past in the hope of 'stopping the levy of new taxes and imposts upon the sheep.'[2] New *pragmáticas* or decrees were promulgated to endorse in sweeping terms the claims of the Mesta. The most famous of these was issued in 1633, and although it was primarily intended to regain some of the long lost pasturage privileges of the Mesta, the latter's attorneys made frequent but hopeless attempts to apply its vague terms to the restriction of local tax privileges. In this as in other respects, however, the much discussed and widely misunderstood *pragmática* of 1633 was only so much paper.[3] Had it been enforced, the Mesta flocks would have trampled over Castile from border to border in unhindered triumph, as indeed most writers — including even Colmeiro, Weiss, Ansiaux, and Gounon-Loubens — have assumed was the case.

But the day had long since passed when royal decrees, however drastic their terms might be, could bring much succor to the

Arch. Osuna, Manzanares Mss., caj. 3, leg. 3, no. 15. For a time in 1601–02 the northern chancillería sat at Medina del Campo. Arch. Mesta, F–1, Fuensaldaña; G–1, Gomez Nabarro.

[1] Arch. Mesta, D–1, Daganzo, 1660; C–9, Cordova, 1681; these cases were pending twenty-five and forty-eight years, respectively.

[2] *Nueva Recop.*, lib. 9, tit. 27, ley 15: cited in Arch. Mesta, C–9, Cordova, 1681; A–1, Avanilla, 1639.

[3] See above, pp. 125–126.

Mesta. Its entregadores were ridiculed, its pleas before the high courts were summarily dismissed, and the efforts of its once omnipotent ally, the Royal Council, were frustrated and scornfully ignored. Even the President of the Mesta, king's councillor though he was, proved ineffective.[1] The great days of Hapsburg autocracy were past, and with them had vanished the greatness of the Mesta.

Old *concordias* or tax agreements were renewed, but upon terms still more unfavorable to the sheep owners.[2] New forms of local taxes were encountered by the herdsmen all along their once inviolate highways. The owners were required to 'register' their flocks at frequent intervals, and to pay liberal fees for receipts.[3] The horses used as pack animals were made the excuse for other taxes,[4] in spite of the protestations of Mesta attorneys that their clients never dealt in horses. Bridge and ferry tolls were increased in number, partly because intermittent Portuguese raids from 1640 to 1665 had interrupted the use of the old western highways and had turned the transhumantes to other routes.[5] Numerous new salt taxes and levies for the payment of wolf bounties were particularly burdensome to the herdsmen.[6] Churches levied with impunity their full diezmos upon the flocks, and these taxes were paid with scarcely a murmur.[7] But more offensive than all these were the assessments upon passing Mesta shepherds of part of the local contribution, or *repartimiento*, of the royal subsidy, as though the migrants were permanent resi-

[1] Arch. Mesta, A–4, Alaejos, 1640: the first decree of the President attempting to check the activities of local toll collectors.

[2] Ibid., B–2, Banes, 1602 ff.; M–4, Montalbán, 1610.

[3] Ibid., C–2, Canena, 1634; U–1, Ubigues, 1660.

[4] Ibid., B–4, Buenache, 1615.

[5] Arch. Osuna, Infantazgo Mss., caj. 2, leg. 9, no. 9. Arch. Mesta, A–5, Alconera, 1817, gives the history of various seventeenth and eighteenth century *pontajes* (bridge tolls) and *barcajes* or *lurias* (ferry rates) at different points in Estremadura. For curious Navarrese laws of the sixteenth and seventeenth centuries upon these tolls, cf. Alonso, *Recop. Fueros y Leyes de Navarra* (Madrid, 1848, 2 vols.) and *Nov. Recop. Leyes Nav.* (Pamplona, 1735, 2 vols.), lib. 5, tit. 5.

[6] Arch. Mesta, Prov. iii, 15; M–4, Merida, 1698.

[7] Arch. Osuna, Béjar Mss., caj. 57, no. 33, caj. 58, no. 29; Arch. Mesta, C–2, Calatrava, 1570, contains seventeenth-century data on the payment of diezmos to churches in lands of the three leading military orders.

dents of the wayside locality. In 1656 Cáceres and other larger cities of Estremadura resorted to these new exactions, and were so successful in collecting them and in ignoring the stern mandates of the Royal Council that other towns soon followed their example.[1]

Little remains to be told of the Mesta's efforts in the course of the eighteenth century to protect its members from the widespread local tolls and taxes and indiscriminate fines.[2] The President of that body continued to issue mandates to obnoxious town tax gatherers, but it was not until the firm hands of Charles III, and his sagacious minister, Campomanes, had taken charge of affairs (1759–88), that the orders of the crown and its councillors were given any attention.[3] The entregador had long since ceased to be useful as an arbitrator of tax matters, or, in fact, in any other capacity, and the enlightened despotism of Charles was soon engaged in preparing for the abolition of the itinerant judiciary. The *Sala de Mil y Quinientas*, that high appellate court to which the Mesta turned as a final refuge late in the seventeenth century,[4] was induced to issue in behalf of the Mesta occasional decrees against the taxation edicts of high officials.[5] The Royal Council, however, was no longer active in defending its once pampered ward, save in one or two instances.[6] The shrewd Charles III occasionally seized an opportunity to embarrass some troublesome noble or high ecclesiastic by having the Council make a vigorous investigation and cut down the tax privileges of the unruly magnate.[7]

[1] Arch. Mesta, Prov. ii, 52.

[2] On the prevalence of indiscriminate local taxes during this period, cf. Desdevises du Dezert, *L'Espagne de l'ancien régime: Institutions* (Paris, 1899), p. 374.

[3] Arch. Mesta, C–6, Cactu Niño, 1762; C–5, Carneros de Calatrava, 1786.

[4] See p. 129.

[5] Arch. Mesta, S–5, Siguenza, 1752; M–4, Merida, 1729 and 1746; E–3, Espinar, 1753. The *alcayde* or custodian of the Alcazar at Segovia was reprimanded by this Sala for levying excessive taxes upon passing flocks. Arch. Mesta, S–4, Segovia, 1744.

[6] In 1729 the Council issued a perfunctory order forbidding all new sheep taxes, but it was never followed up. Arch. Mesta, Prov. iii, 46.

[7] Arch. Mesta, A–8, Atienza, 1782; V–6, Villarta, 1762: a restriction of the tax privileges of the archbishop of Toledo; S–5, Siguenza, 1762: an investigation of the sheep taxes collected by the dean of the church of Siguenza.

From the point of view of local taxes, the Mesta's experience under the Bourbons was as unhappy as it had been under the last Hapsburgs. The complaints which its attorneys at court had already begun to make in the seventeenth century regarding its *estado miserable*[1] were multiplied many times in the eighteenth. The wars under Charles II and Philip V had played havoc with the cañadas and with the flocks themselves; and to make matters worse, the heavy taxes which had been levied upon the towns by the central government were speedily passed on in the shape of new exactions on the migratory flocks.

Two important documents show the condition of the Mesta's fiscal relations with the towns during the last eighty years of its existence. In 1758, at the urgent request of the Mesta, an exhaustive examination was made of all local sheep taxes, with a view toward eliminating any that might be illegal or excessive.[2] It was found that three hundred and twenty-one such imposts were being collected from the passing flocks by nearly as many different towns, individuals, and churches, scattered along all of the sheep highways from the mountains of Asturias and Navarre to the plains of Estremadura, Murcia, and the lower Guadalquivir. It is interesting to note that this figure corresponds almost exactly with that of the reign of Ferdinand and Isabella, when the suits brought by Mesta attorneys against local tax collectors show that three hundred and twenty sheep taxes were being assessed during the period of 1474–1504 by almost as many towns and property owners. In other words, the local fiscal obligations of the transhumantes had changed but little either in number or character or even in rates after some three hundred years of tempestuous history. The names of the imposts had been somewhat changed. The ancient and once all pervasive montazgos had almost entirely disappeared,[3] and in their stead the largest single group of tolls revealed in this survey were some seventy-eight called *pasos*, *travesíos*, and *pasajes*.

[1] Arch. Mesta, Prov. ii, 52 (1656); iii, 15 (1682).

[2] Escolano de Arrieta, *Práctica del Consejo Real* (Madrid, 1796, 2 vols.), ii, pp. 117–118; Arch. Mesta, Prov. iv, 26.

[3] They were still being collected at Alcántara, Manzanares, Villa Nueva de los Infantes, and Barco de Ávila.

These were levied for passage over local or private pasturage, and therefore corresponded roughly to the mediaeval montazgos. The portazgos, or octroi on wool and animals en route to market, were collected at forty-three points, the *pontazgos* or bridge tolls at thirty-five, and *barcajes* or ferry tolls at only two. There were seven collections of the *castillería*, one of the most ancient of all Castilian sheep taxes, which was originally levied for the support of castles and watch towers during the Moorish wars. Some of the remaining hundred and fifty-six taxes bore other ancient names,[1] but by far the greater part of them were nameless tolls arbitrarily collected without reference to any traditional origin, or to any fictitious or actual service rendered. It is clear, then, that at the accession of Charles III in 1759 the assessment of tolls upon passing flocks still continued to be an accepted local privilege throughout the greater part of the peninsula. The practice was, in fact, quite as prevalent as it had been at any time since the centralizing reforms of Ferdinand and Isabella had swept aside the flagrant accumulations of illegal local taxes.[2]

Charles III was too much occupied with the task of preparing the way for the abolition of the Mesta to pay attention to the pleadings of that decrepit body for local sheep tax reforms. In fact, practically nothing was done on the part of the crown to relieve the sheep owners from the costly annoyances of local tax collectors; and although the seventy years that followed the above survey of 1758 saw many radical changes, reforms, and reactions in Spain, the local tax problem still depressed the Mesta. A perfunctory summons was issued by the Royal Council in 1762 commanding certain towns to show their tax privileges.[3] Various grandees were gently admonished to 'treat Mesta charters and *concordias* with respect.'[4] Corregidores and other royal officers were advised with frequency, but apparently without

[1] Cf. Glossary, pp. 423–428.

[2] This investigation was not followed up with any aggressive measures. The *Sala de Mil y Quinientas* (see above, p. 129) was instructed 'to hear any cases which might arise.' Cf. Matías Brieva, *Colecc. de Leyes . . . de Mesta* (Madrid, 1828), p. 128.

[3] Brieva, *Colección*, p. 132.

[4] *Ibid.*, p. 203, decree of 1780; cf. also *Nov. Recop.*, lib. 6, tit. 20, ley 14.

results, to look after the sheep taxes and to prevent extortion.[1] These and many similar mandates were of little avail; they were received with expressions of profound respect by the grandees and others to whom they were addressed, and then straightway forgotten.

In 1828, eight years before the Mesta was abolished, an unofficial investigation by its archivist, Matías Brieva, revealed nearly two hundred local taxes which were being levied each year upon the migratory herdsmen.[2] The reactionary regimes of Charles IV and his dissolute son, Ferdinand VII, had apparently aided the cause of the sheep owners by eliminations of tolls and taxes to the number of over a hundred. There were still twenty-nine *concordias* or tax agreements in force between the Mesta and such towns as Talavera, Cordova, and Plasencia, such nobles as the Dukes of Béjar, of Infantazgo, of Alba, and of Frias, and the Hermandads of Ciudad Real and Toledo. Many of these *concordias* dated back to the fourteenth century, but their ancient conditions, and in some instances even their rates, were still the same after some four hundred years of usage.

In a word, throughout its long history the Mesta members were ever confronted with this problem of their fiscal relations with towns, individuals, and ecclesiastical establishments. From the earliest times, when they led their first flocks down across the wide Castilian plains, they had been met by local officers who proceeded to levy what were at first penalties and fines for trespass, and what later became fixed charges, taxes, imposts, and tolls. When the Mesta was favored by the patronage of an aggressive monarch devoted to the idea of centralized government, as were Alfonso XI and the Catholic Kings, these local exactions were restricted, systematized, and carefully supervised. Whenever, on the other hand, the weakness of the sovereigns gave the old Spanish spirit of separatism, of local independence, any opportunity, great numbers of persistent local tax gatherers came forth to meet the shepherds all along the cañadas. As long as there were transhumantes in Castile, just so long would they

[1] Brieva, pp. 230, 266, 300, 338, 371, 375: decrees of 1788, 1796, 1799, 1814, 1816.

[2] In a special *legajo* or packet of the Mesta archive, marked *Derechos*.

be viewed with that suspicion which awaited all *forasteros*, strangers, who ventured to transgress upon the ancient privileges and property rights of a Castilian landowner, whether the latter was a town, monastery, military order, grandee, or peasant. Partly, then, as a source of revenue and a compensation for such trespasses, but more particularly as a recognition of the sanctity of cherished local privileges, these taxes were devised and exacted as long as there was a migratory sheep industry in Spain.

CHAPTER XIII

MEDIAEVAL ROYAL SHEEP TAXES

Share of the crown in local taxes. Moorish sheep tolls. The *servicio de ganados* or subsidy from domestic animals. Origin of the *servicio y montazgo*. Royal sheep tolls during the period of fifteenth-century profligacy. The tax schedule of 1457.

THE fiscal history of the migratory sheep industry in other lands would lead one to expect the annals of the Castilian transhumantes to reveal at a very early date certain definite tolls being paid to the crown. We should expect to find royal imposts comparable to the early Roman *scriptura* and *pensio*, the Aragonese and Valencian *carnerage*, or even the Bárdenas incomes of the Navarrese crown.[1] It is important to observe, therefore, that in Castile there is no indication of any such direct income to the royal exchequer from migratory flocks previous to the organization of the Mesta in or shortly before the year 1273. It is true that a few fueros or town charters of the twelfth century assign part of the local montazgo tax to the crown as lord of the land.[2] It is likewise true that part of the local portazgos, which were by no means paid exclusively by transhumantes, were occasionally turned over to the sovereigns.[3] These instances, however, were extremely rare, and do not in the least justify the assumptions of such recognized authorities as Schaefer, Cos-Gayon, Canga Argüelles, Gounon-Loubens, and even Colmeiro and Mariéjol, that the sovereign as such collected the montazgos and portazgos.[4]

[1] See above, pp. 153 ff.

[2] Muñoz, p. 510 (fuero of Guadalajara, 1133); Ureña y Smenjaud, ed., *Fuero de Zorita de los Canes* (Madrid, 1911: *Memorial Histórico Español*, xliv), p. 420 (1180). On the origins of the montazgo, see above, pp. 163 ff.

[3] See above, p. 163.

[4] The writers mentioned, whose opinions have hitherto been accepted without question, fail in the first place to make any distinction whatever between local and royal sheep taxes. Schaefer, in *Archiv für Geschichte und Literatur*, iv, p. 93 (1833), Gounon-Loubens, *Admin. de la Castille* (Paris, 1860), p. 280, and Mariéjol, *L'Espagne sous Ferdinand et Isabelle* (Paris, 1892), p. 217, not only describe the montazgo as a royal tax, but derive its name from " the mountain passes where it was

From the early mediaeval period down to the middle of the nineteenth century these taxes always retained their original character as local exactions.

Aside from these local sheep taxes, of which the crown received a share, the royal exchequer was able to reach the pastoral industry through certain imposts which came into existence during the Moorish wars. The Reconquest had, of course, greatly benefited the sheep owners, whose flocks were now more secure on their southern marches and were particularly favored with excellent new pasture lands in the reconquered territory. In recognition of these valued contributions made to the pastoral industry by the warrior monarchs, tax obligations were duly recognized on the part of the migrating flocks. It is quite probable that as a means of adjusting this relationship the Christian kings took over such Moorish taxes as the *azaqui* or *asequi*, a form of royal tithe, to which shepherds contributed from one to forty animals out of every hundred.[1] The *almojarifazgo*, an import and export tax levied by the Moorish kings at the gates of towns, was promptly appropriated by the Christian conquerors. Though the right to collect this impost was frequently bestowed by the sovereigns upon loyal Andalusian cities, it served as one means of royal assessments upon migratory flocks.[2]

Another group of early royal imposts to which the pastoral industry contributed a large share was that of the *diezmos de puertos*

collected," a deduction which is as ingenious as it is incorrect (see above, p. 149). As will be explained below (p. 261), when a royal sheep tax was created, it was not called a montazgo but a servicio, and later *servicio y montazgo*. Furthermore, none of the *puertos reales* or royal toll gates where it was collected was at a mountain pass. The derivation of *montazgo*, from *monte*—wooded pasture land—is indicated above, p. 149. Colmeiro, i, p. 468, Cos-Gayon, *Hist. Admin. Púb.* (Madrid, 1851), p. 149, and Canga Argüelles, *Dicc. de Hacienda* (Madrid, 1833–34, 2 vols.), ii, pp. 338–339, assign montazgos and portazgos to the king as the preserver of order in rural districts, or as lord of all highways and public lands.

[1] Al-Makkarî, *History of the Mohammedan Dynasties*, ed. Gayangos (London, 1840–43, 2 vols.), i, p. 401. Dozy and Engelmann, *Glossaire des mots espagnols* (Paris, 1869), pp. 207, 224.

[2] See below, p. 424. By 1264 it was being collected by towns as far north as Cuenca. Acad. Hist., Ms. 25–1–C–19, fol. 420. In the hands of various southern towns it became, in the fourteenth century, a source of considerable vexation to the Mesta.

secos and *diezmos del mar*. As the names indicate, these were export and import taxes levied by the Castilian monarchs at the land custom houses or *puertos secos* on the Aragonese, Navarrese, and Portuguese frontiers, and at the *puertos del mar* or sea coast custom stations.[1] However, the export trade which was carried on by the Mesta members was fairly limited until the fifteenth century. Consequently, this tax did not seriously concern them, except occasionally when it required the registration of their flocks at the eastern and western borders in order to facilitate their return into Castile without payment of the *diezmo*.[2]

The first assessment of a direct royal tax levied exclusively upon sheep does not appear until the organization of the Mesta by Alfonso X. In fact, the two events synchronize so closely that they were undoubtedly related to each other.

The first indication of a direct tax upon transhumantes is an allusion to a *servicio de ganados*, dated 1270,[3] at the very time that the sheep owners were organizing the Mesta under the patronage of the king. The various feudal incomes of the king had long proved inadequate. The severe campaigns of the Moorish wars had exhausted the royal treasury. True, there had been a series of brilliant triumphs culminating in the captures of Badajoz (1228), Mérida (1230), Cordova (1236), Murcia and Cartagena (1243), Jaen (1246), Seville (1248), Jerez de la Frontera

[1] These *diezmos* were not introduced until after the great conquests of Ferdinand III (1217–52) had made the lives and goods of Castilian merchants reasonably safe and had given the monarchy sufficient prestige to enforce such collections at the borders. On the origins of this tax cf. Alonso de Castro, *De Potestati Legis Poenatis* (Salamanca, 1551), fol. 83. *Cortes*, Burgos, 1269, refers to the royal income from these commercial *diezmos*. They should not be confused with the ecclesiastical *diezmos*, which were sometimes granted to the kings by the Pope; cf. p. 242; Mondéjar, *Memorias del Rei Alonso el Sabio* (Madrid, 1777), p. 303 (1273).

[2] An early reference to the payment of *diezmos* on sheep is found in *Memorial Histórico*, i, p. 321 (1276). The best discussion of this tax is in Acad. Hist., Floranes Mss., 12–24–1, B–10. Luis de Salazar y Castro, *Hist. Genealógica de la Casa de Lara* (Madrid, 1697), iv, p. 630, gives the text of a north coast *diezmo* schedule of 1272.

[3] Arch. Mesta, B–1, Badajoz, 1727, quotes a royal decree of 1270, which instructed " mios homes que recaudan el servicio de los ganados en el reyno de León " not to collect this *servicio* of any sheep pasturing near Badajoz. Cf. González, vi, pp. 117–118.

(1254), and Cadiz (1262). The fruits of victory had, however, to be liberally shared with the military orders, loyal towns, and nobles. New sources of revenue were imperative, and as a result there was created a new form of extraordinary subsidy, called a *servicio*, which was granted to the crown by the Cortes, probably for the first time, when the eldest son of Alfonso X, the Infante Ferdinand de la Cerda, married the daughter of St. Louis, King of France.[1] As a possible source of funds to fulfil this grant, the rehabilitated pastoral industry was at once suggested, and the *servicio de ganados* or 'subsidy of domestic animals' was levied for the benefit of the crown treasury upon migratory flocks and herds.

This was the first royal sheep tax to be assessed in Castile, where flock migrations had been common for centuries but where the great victories of 1228–62 had to be won before the Castilian monarchs could systematically exploit the rapidly growing industry. The tax thus founded was significant quite beyond the restricted limits of the pastoral history of the kingdom. It was the oldest regular or permanent income of the Castilian monarchy; the *alcabala*, which is usually so described,[2] was not collected as a royal tax until several decades later. This sheep subsidy at once became a normal and not an extraordinary source of revenue for the crown; in other words, it did not require renewal by a special vote of the Cortes, as did the general *servicio*. Its name was altered in 1343 to *servicio y montazgo*, but its character always remained as Alfonso X and his fiscal officers had originally planned. It was a permanent income payable annually to the crown. As soon as its original pretext, the wedding of the Infante in 1269, was over, other excuses for its assessment were

[1] Cos-Gayon, *Historia de la Admin. Pública*, p. 131, and Piernas y Hurtado, *Tratado de Hacienda Pública* (5th ed., Madrid, 1900–01), ii, p. 48, give 1269 as the date of the first *servicio*. In that year a Cortes was held at Burgos, but the only record of it is in a privilege appearing in Salazar y Castro, *Pruebas de la Hist. de la Casa de Lara*, p. 630, which mentions six *servicios* promised by the Cortes at Burgos for the marriage of Ferdinand.

[2] Cf. Haebler, *Wirtschaftliche Blüte Spaniens*, p. 109; Uztariz, *Theórica y Práctica de Comercio* (Madrid, 1757), p. 39. Acad. Hist., Salazar Mss., est. 10, leg. 21 (1276) describes the "servicio de los ganados que fué demandado por toda la tierra por las bodas del Infante Don Fernando."

easily found, such as the security of the flocks in their annual migrations, or the support of the Moorish war to secure more pasturage.[1] Although there is no direct evidence available upon the matter, it is very probable that the royal recognition on September 2, 1273, of the national sheep owners' gild of the Mesta, which had already been in existence before that date, came as a direct result of this new contribution to the crown. No such compensation is mentioned in the charter of 1273, but if none was agreed to by the herdsmen it would be almost a unique instance in the history of such documents.

This new *servicio de ganados* or royal sheep tax soon became a regular credit item on the accounts of the royal treasury. By 1277 it was being farmed out to various Jewish bankers in biennial leases at 24,000 maravedis a year, a precedent which was usually, though not invariably, followed by later mediaeval sovereigns.[2] During the remaining years of Alfonso's reign the tax was assessed upon all sheep throughout the kingdom, whether transhumantes or estantes (sedentary flocks). The civil wars between the aged monarch and his son Sancho found the latter in control of the northern mountains of Castile and León. Thus when he came to the throne as Sancho IV in 1284, his command over the home country of the transhumantes and his desire to win the support of the owners of the southern and western estantes induced him to exempt the latter from the *servicio de ganados*, which thereupon became what it ever after continued to be, the royal tax on migratory flocks.[3] This exemption of

[1] The characteristics of this *servicio* are indicated in Arch. Hist. Nac., Oña Mss., no. 127 (1272); *Bull. Ord. Milit. Alcant.*, p. 113 (1273); and *Memorial Histórico*, i, pp. 309, 314 (1277). The theoretical right of the crown to levy such a tax was discussed, with various precedents from the history of the Romans, Israelites, and Goths, in the course of a suit brought against a collector of the royal sheep tax in 1747 (Arch. Mesta, Prov. iv, 11). Among the authorities cited are Joseph Salazar, *Origen de la Renta del servicio y montazgo*; Otero, *De Pascuis* (copy in Paris Bib. Nat.); and Pedro Salcedos, *Comentarios sobre la Nueva Recopilación*.

[2] Acad. Hist., Salazar Mss., est. 10, leg. 21; *Cortes*, Alcalá de Henares, 1348, pet. 43: Alfonso XI here indicates his inability to reform certain abuses of the *servicio* collectors until the annual lease of the tax expired. Bib. Nac. Madrid, Ms. 13126, fol. 139: a lease of the *servicio* to certain Jews by Sancho IV.

[3] Acad. Hist., Coria Mss., 25–1–C 8, pp. 93 ff.; ibid., Salazar Mss., I–41, pp. 232–234; ibid., Plasencia Mss., 12–19–3/38, p. 50; *Quad. 1731*, pt. 1, pp. 17–18:

estantes from the servicio was jealously guarded by the Cortes representatives from the south and west.[1]

By 1300 the collection of the tax had become systematized. On each of the main cañadas certain *puertos* or toll gates had been established, at which the servicio was levied on the flocks as they passed southward.[2] Attempts by the shepherds to evade the collectors by leaving the cañadas promptly roused the ire both of the crown treasurers and of the towns whose lands were being trespassed upon. In such instances the local justices dealt out severe penalties to the herdsmen, who had wandered from their cañadas and were, therefore, regarded as no longer under the jurisdiction of their entregadores.[3] Occasionally during the stronger kingship of Alfonso XI (1312–50) the royal tax gatherers felt secure in taking matters into their own hands. They frequently left their posts on the cañadas and proceeded to levy the servicio upon sheep wherever they were to be found — on the march, in town markets, fairs, or pastures. These violations of the original purposes of the tax brought emphatic denunciations from the Cortes,[4] which were usually answered with promises that the assessments would be confined strictly to migrants 'as soon as the present lease of the servicio expires.' Such assurances were, however, very gradually fulfilled, and it was only after several decades of continued insistence by the Cortes in defence of the local non-migratory estantes that the crown's sheep tax was finally levied

decrees of 1285 ff.; Arch. Ayunt. Cuenca, Becerro Mss., pp. 20–21, contains a privilege of 1293 from Sancho exempting from this servicio the estantes of Cuenca, which was also a prominent Mesta centre, in view of "los grandes servicios que nos tomamos."

[1] *Cortes*, Valladolid, 1293, pet. 8; Ulloa, *Privilegios de Cáceres*, p. 115; Acad. Hist., Salazar Mss., I–41, pp. 235–237.

[2] *Cortes*, Zamora, 1301, pet. 33. Collection on the northward march was objected to by the sheep owners, because their payments of pasturage rentals in the south left them without funds. Furthermore the sheep had lambs and heavier wool after their southern sojourn, and the collection of this toll in kind on the north-bound trip was therefore regarded as unfair to the sheep owners. The establishment of these *puertos* for the royal servicio was probably suggested by a similar device for the collection of certain local montazgos along the sheep walks.

[3] See decree of 1304 in favor of the town of Buitrago, Appendix E, pp. 374–375.

[4] *Cortes*, Medina del Campo, 1318, pet. 16; Valladolid, 1322, pet. 64; Madrid, 1339, pet. 28; Alcalá de Henares, 1348, pet. 43; Valladolid, 1351, pet. 57.

upon Mesta flocks exclusively. From about 1350 onward the accepted definition of a transhumante or a Mesta member became "one who paid the royal servicio." [1]

But an aggressive and far sighted ruler like Alfonso XI could not allow his exchequer to be hampered by such restrictions as these. Revenues were too imperatively necessary for his many activities. Most of all, the war of reconquest was being waged with a vigor such as Spain had not known for a hundred years. Knights from all Europe participated in the crusade which won its greatest triumphs at Rio Salado in 1340 and at Algeciras in 1344 — victories which were not to be surpassed in splendor until the standards of Ferdinand and Isabella were raised over the battlements of the Alhambra on New Year's Day, 1492. All of this had required heavy expenditures and had left the royal treasury sadly in need of funds. Many old taxes were therefore revised, extended, and applied to the purposes of the crown.

Chief among these was the *alcabala*, an ancient tax on sales, which later became one of the principal sources, not only of royal revenue, but eventually of Castilian misery and economic confusion.[2] As early as 1320 the contributions of the pastoral in-

[1] *Concordia de 1783*, i, fols. 256 v–257 v.

[2] The *alcabola* is usually believed to have been originated by Alfonso XI in 1341 in order to finance the siege of Algeciras. Cf. Schaefer, in *Archiv für Geschichte und Literatur*, iv, p. 84; Uztariz, *Theórica y Práctica de Comercio*, p. 39; Gallardo, *Rentos Reales*, i, p. 162. Nevertheless, there is ample evidence of such a tax levied for local income as early as the eleventh century, and mentions of it occur frequently from the time of Alfonso X onward; cf. Yepes, *Coronico General de la Orden de San Benito* (Valladolid, 1617), vi, fol. 494; Mondéjar, *Memorias del Rei Alonso el Sabio*, pp. 295–296; Colmeiro, i, p. 472; Berganza, *Antigüedodes de España*, ii, pp. 202–204; Llorente, *Noticias históricos de las tres Provincias Vascongadas*, ii, p. 138; Diego Ortiz de Zúñiga, *Anales de Sevilla* (Madrid, 1677), pp. 179, 189; Jordán de Asso and Miguel de Manuel y Rodriguez, *Instituciones del Derecho Civil de Castilla* (Madrid, 1786), p. lxii; Lopez de Ayala, *Contribuciones e Impuestos*, pp. 293, 454–456. It is evident from these citations that the *alcabala* was levied on sales by the lords of various towns or by the towns themselves, that the returns were used usually for the construction and repair of walls and fortifications, and that by 1325 or 1330 — more than a decade before the siege of Algeciras — the tax had become a 10 per cent levy on sales, payable to the crown for military preparations. The name and very probably the tax itself were of Arabic origins. Cf. Dozy and Engelmann, *Glossaire*, pp. 74–75, 89; Paris Bib. Nat., Ms. Esp. 359 — a survey of royal incomes in the sixteenth century, in which the name is derived from *el que vola*, 'the equivalent value,' a phrase from the request

dustry to the *alcabala* had become apparent.[1] Since this tax would reach transactions in all local markets, it was not necessary for the collectors of the king's sheep servicio to pursue their victims into the towns.[2] Their royal master had in the meantime devised a new plan for increasing the yield from their collections.

In 1343 all local montazgos or sheep tolls of towns within the royal demesne were appropriated by the crown and called the *servicio de montazgos* or 'subsidy of montazgos.' This new income, part of which was immediately used to satisfy certain royal obligations to the Military Order of Calatrava,[3] was soon merged with the older *servicio de ganados* described above, and this combination of royal incomes from migratory sheep soon became known as the *servicio y montazgo*.[4] This was the origin of the royal sheep tax, which, as indicated above,[5] has been so commonly misunderstood and confused with the local montazgo. Since large areas of the reconquered southern pasture lands had been retained by the Christian monarchs as part of their demesne, the local montazgos comprised in the above transfer to the crown were very considerable.

of Alfonso XI for a subsidy or its equivalent. In Navarre the *lezda* corresponded to the *alcabala*: Yanguas, *Dicc. de Antigüedades*, ii, p. 596. On the later fluctuations of the *alcabala* and the important part played by it in the royal revenues, see Piernas, ii, p. 49; Colmeiro, i, pp. 472–473; Schaefer, *op. cit.*, iv, p. 84. In the reign of Henry III (1390–1407) the usual rate of a tenth was cut to a twentieth, whence the name *veintena*, by which the *alcabala* continued to be known in some parts of the country, especially in Navarre, even after the 10 per cent rate was restored; cf. Yanguas, ii, p. 647.

[1] Zúñiga, *loc. cit.* In the fifteenth and sixteenth centuries the favor of the Catholic Kings and the Hapsburg autocrats brought limited exemptions to Mesta members from all *alcabalas*, except those collected on their purchases and sales in their winter pasturage during December and January. Arch. Mesta, Prov. i, 35 (1495). Other exemptions from this tax are noted in Arch. Mesta, P–1, Parral, 1577; T–1, Torre de Esteban Ambran, 1551; Gallardo, *Rentas Reales*, i, pp. 171–178; and Berlin Kgl. Bibl., Qt. 121, Varia ad Hist. Hispaniae, no. 25 (a pamphlet on the history of the *alcabala* printed in Madrid, 1765).

[2] Cortes complaints in 1348 and 1351 show that they still ventured occasionally into the town markets to levy their servicio.

[3] *Bull. Ord. Milit. Calat.*, pp. 201–202.

[4] Instances of a transitional form of the name, *servicio de montazgo*, occurred as late as 1386: Acad. Hist., Cordova Mss. 25–1–C–14, pp. 98–101.

[5] P. 254.

A famous charter issued in 1347 by Alfonso XI confirmed and extended the decree of 1343. In this brief, forceful document of 1347, the royal patron of the Mesta satisfied the unfulfilled aspirations of Alfonso X, as enunciated in the charter of 1273.[1] He declared that there was but one national pastoral organization and all shepherds and sheep owners were subject to its rules. The obvious corollary to this was that such an all-inclusive organization, being the ward of the sovereign, owed certain financial obligations to its guardian — "since all are protected by the crown, all should pay their just contributions to the crown."[2] The end of Alfonso's reign in 1350 found the royal servicio y montazgo firmly established. Many towns had been forced to surrender their sheep tolls, and the original sheep servicio, which in the previous century had yielded a mere 24,000 maravedis a year, became thenceforth one of the larger items of royal revenue.

The sceptre had scarcely been released from the firm grasp of Alfonso when the towns undertook to regain their montazgos. The irresolute and troubled reigns (1350–90) of Peter, Henry of Trastamara, and John I gave ample opportunity for the bartering between towns and crown for tax privileges on the one hand and political and military support on the other. Royal tax collectors had to be withdrawn in the face of local demands.[3] Estantes were to be allowed to roam about over whole bishoprics without incurring royal servicio assessments.[4] Powerful cities and monasteries were able to buy back their lost montazgo rights.[5] In a word, the troubles of the Castilian monarchy and the consequent resurgence of separatism during the second half of the fourteenth century had undone much of the work of Alfonso XI in the building up of the servicio y montazgo.

The extravagance and luxury of the feeble reigns of John II (1406–54) and Henry IV (1454–74) laid many heavy burdens upon an already exhausted treasury. Uniform incompetence and dissolute living had cost the crown the few sources of revenue

[1] See above, p. 79. [2] *Quad. 1731*, pt. 1, p. 54.

[3] *Cortes*, Valladolid, 1351, pets. 57, 60; Burgos, 1379, pet. 21.

[4] Arch. Ayunt. Cuenca, leg. 3, no. 6 (1353).

[5] Acad. Hist., Coria Mss., 25–1–C 8, p. 202 (1380); Cordova Mss. 25–1–C 14, pp. 98–101 (1386).

which had survived the turmoils of previous generations. In the course of the civil disorders of the fourteenth century the greater part of the royal sheep tax had been granted by the crown to the powerful grand master of the Order of Santiago, to whom the royal family had been indebted for sorely needed support against the restive baronage. The only part of the servicio y montazgo retained by the crown was that collected from shepherds migrating to Murcia; in fact, this fraction of the tax was never released by the crown in spite of the troubled reigns that followed.

The all too brief regime of the 'good regent' Ferdinand (1406–12) was memorable as the only respite from maladministration and profligacy that Castile was to enjoy for two generations. During this regency the grand mastership of Santiago, and with it the Castilian servicio y montazgo, had fallen to Ferdinand's bold young son Henry, who promptly capitalized his newly acquired prestige with characteristic vigor. Henry shrewdly appreciated the possibilities of the tax, which to his thinking had been far too loosely administered during the uncertainties of royal power in preceding reigns. The next few years, therefore, saw a revival of the old policy of Alfonso XI. Local sheep dues within the domains of the Order of Santiago were quietly combined with the royal servicio y montazgo. New rules governing the collection of the latter were carefully drawn up [1] and special judges designated to see to their enforcement. Henry's agents were soon collecting extra payments from the shepherds on various pretexts. There were, for example, the *derechos de albala* (fees for issuing receipts), the *tasas de rebujal* (tax on odd numbers in flocks above even hundreds), and certain fees for recounting the animals 'if there was reason for doubting the number declared by the shepherd.' In other words, the royal sheep tax was extended, strictly administered, and carefully guarded by the Infante Henry, even after he had gone to Aragon when his father

[1] Arch. Mesta, F–2, Fuentidueña, 1416; U–1, Uclés, 1417. These rules required, among other things, the collection of the tax upon the flocks as they arrived, without delaying the assessment of a given owner until all of his animals had come in. Other details were included regarding the public posting of rates, the location of toll offices on the cañadas and not at a distance, and the collection from southward bound flocks only.

accepted the crown of that kingdom (1412). In fact, his concern over the income from this tax was one of the provocations for his high handed treatment of his weakling cousin John II, who ascended the Castilian throne in 1419 when he became of age.[1] These reforms and the substantial foundation thus given to the sheep servicio set precedents which were followed for more than a century. In fact, it was not until the sheep owners secured the friendly aid of the sixteenth-century Hapsburg monarchs that they were able to secure any modification in these exacting regulations.[2]

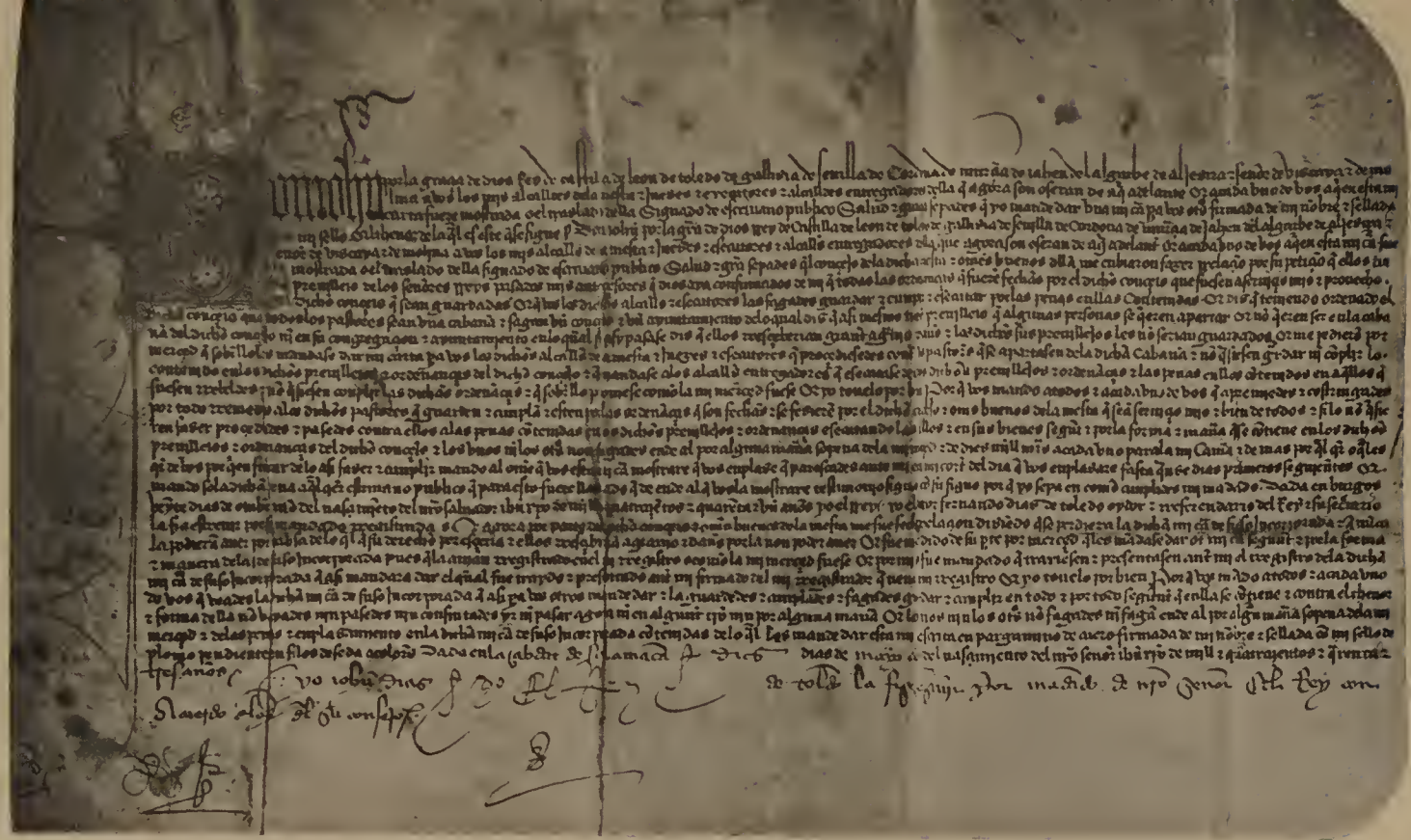
When the grasping and sagacious ' Great Constable ' Álvaro de Luna, brilliant courtier and greatest of mediaeval favorites at the court of Castile, succeeded Henry in the grand mastership of Santiago,[3] he too was not long in appreciating the possibilities of the servicio y montazgo as a means of increasing his already large fortune. Furthermore — and this evidently appealed very strongly to his love of dominance — here was an opportunity to curtail the revenues and therewith the prestige of his jealous rivals among the nobility, most of whom were either important members of the Mesta or the possessors of long cherished sheep tax privileges of their own.

In 1442, therefore, when at the height of his power, Álvaro promulgated a full confirmation of the various sheep tax regulations of his predecessor, the Infante Henry. In addition to this he ordered his collectors to go into the local markets and to levy the servicio upon all sheep whose owners could not prove that the royal dues had already been paid on the animals. With these and similar measures the ambitious favorite insisted upon the pre-

[1] Henry seized John at Tordesillas soon after the latter's accession and forced his consent to Henry's marriage with John's sister, Catharine, evidently with the object of strengthening his Castilian prerogatives, including his right to the royal sheep tax. Arch. Mesta, F–2, Fuentidueña, 1418 ff., gives various decrees issued by Henry while Infante of Aragon, regarding the Castilian sheep tax.

[2] Arch. Mesta, Prov. i, 40. The tax on *rebujales*, which had borne heavily upon small owners, was not modified until 1541. The *albala* fee was thenceforth collected from transhumantes not only by royal officials but later by town tax collectors as well, in spite of repeated protests from the Mesta's attorneys.

[3] Fernandez Llamazares, *Historia compendiada de las Cuatro Órdenes* (Madrid, 1862), p. 45.



Mesta Charter of 1443

Signed at Salamanca on May 10, 1443, by John II, father of Queen Isabella, confirming a decree of October 20, 1441, by which "all shepherds of the realm" were declared to be members of the Mesta and subject to its ordinances. This doctrine, which had been suggested in the charter of 1273 (p. 79), and definitely promulgated by Alfonso XI in 1343 (p. 262), was eminently suited to the ambitious schemes of the great favorite Álvaro de Luna, who was at that time in the midst of his plans for the exploitation of the pastoral industry (see p. 264).

cedence of the royal servicio y montazgo over the tax privileges of towns and nobles and upon the complete coöperation of local officials with his collectors and lessees.[1] This he commanded "in the name of justice, the most noble, highest virtue, which pleases the Lord of Heaven and ought to please the lords of the earth"; and in order that these terrestrial lords should not be tempted to obstruct justice, he personally supervised an annual audit of accounts and a careful revision of restrictions and rules. By discreetly placed leases of the servicio [2] and a few ostentatious bestowals of exemptions from the tax upon certain grandees and rich monasteries whose support was highly useful to him [3] that crafty statesman made the 'royal' sheep tax one of his most valuable financial and political assets.

The accession of the last and feeblest of mediaeval Castilian monarchs, Henry IV (1454–74), brought power to other and far less able courtiers than the ill fated Álvaro. Two sordid figures stand out in this period of disgrace: the magnificent and shameless Beltran de la Cueva, soon to be Count of Ledesma,[4] and the equally unworthy and insatiably avaricious Juan Pacheco, later Marquis of Villena. Upon each of these notorious favorites in turn was bestowed the lucrative grand mastership of Santiago and with it the title to the royal sheep servicio.

Once more the tax was recodified, this time upon a more elaborate scale than ever before. The famous *Quaderno*, or compi-

[1] Arch. Mesta, Prov. i, 65. The rates of assessment were still the same as that of the old *servicio de ganados*, namely 5 sheep, or their equivalent in money, for every 1000, 3 cows per 1000, and 1 pig per 100.

[2] The leases usually ran from four to six years, sometimes covering the servicio throughout Castile and sometimes only the amounts collected at certain toll gates. Arch. Osuna, Béjar Mss., caj. 7, no. 16 (1446). Arch. Simancas, Diversos de Castilla, Ms. 117 (1453), has a full record of servicio y montazgo regulations, leases, and exemptions from the time of Álvaro de Luna onward. For curious reasons explained below (p. 404), certain documents on this tax form almost the only material on the Mesta in the Simancas Archive.

[3] The *diezmo del mar*, or royal import and export tax at the seaboard (see above, p. 256), had also been transferred to the great Constable and his family and was employed by that astute politician in the same manner. This *diezmo* remained in the hands of his heirs for a century; Philip II bought it back in 1559.

[4] He was widely acknowledged as the father of the Princess Joanna, who is usually known in history as *La Beltraneja*, the unhappy rival claimant to the throne against her supposed aunt, the great Isabella.

lation of rules, promulgated in 1457, became the basis of all later decrees upon the subject. Though occasionally amended, it was never abolished or even seriously revised as long as the servicio y montazgo was collected. In fact, the desires of sixteenth-century autocracy for revenue and for concentration of administrative functions seem to have been well satisfied with the traditions established by the grasping favorites of Castile's darkest days of mediaeval decadence. The *Quaderno* of 1457 confirmed all of the rates and rules established in 1416 and 1442.[1] It was carefully specified that the tax applied to animals being taken to markets outside their home towns, as well as to those being taken to southern pastures. Furthermore it designated the *puertos reales* or royal toll gates on the cañadas at which the tax was to be collected, whereas in previous years collections had been made at points the location and number of which had been determined supposedly by tradition, but more probably by what the traffic would bear. The toll points named in 1457 became the *puertos antiguos* of later ages, and the last year of the servicio (1758) found the list only slightly changed. The sheep were to be counted while en route northward as well as southward, and although the servicio was to be paid, as of old, on the southward journey, if the count on their return showed an increase, the extra animals were also to be assessed. Attempts at evasion were punishable with heavy fines and in addition to this the rate of the tax was to be quadrupled upon the offenders. Exemptions were subject to cancellation without notice, in order to insure the proper behavior of the recipients of those favors.[2]

[1] Arch. Mesta, B–1, Badajoz, 1727, contains a copy of the greater part of this code; see below, pp. 391–397. Parts of it also appear in *Nueva Recop.*, lib. 9, tit. 27. The *puertos reales* were all near the southern terminals of the cañadas, in Estremadura, La Mancha, Murcia, and the valley of the Guadalquivir. In 1457 they were at Candeleda, Aldeanueva de la Vera, Montalbán, Rama Castañas, Socuellamos, Venta del Cojo, Torre de Esteban Ambran, Villaharta, Perdiquera, Malpartida, Puerto de Pedrosin, Abadia, and Albala. Later changes in this list are noted in *Cortes*, Toledo, 1480, pet. 90; Brit. Mus., Ms. 1321 k 1, no. 1 (1401); and *Quad. 1731*, pt. 2, p. 180 (sixteenth century).

[2] A feature of this *Quaderno* which does not concern us was the *travesío*, or royal tax on certain local, non-Mesta sheep called *riberiegos*, which pastured just beyond the borders (*riberas*) of their local jurisdictions.

With such a detailed tax schedule in force, it would seem that both the crown and the sheep owners should have known where they stood as to revenues and obligations respectively. Though obviously drawn up in the interests of favorites who planned to exploit the royal incomes, the code of 1457 was nevertheless looked to hopefully by the Mesta members as being at least a definite enumeration of their fiscal burdens. Unfortunately, however, the usual discrepancy between written laws and actual administration was never more grossly exemplified than under the last mediaeval monarch of Castile.

The closing decade of the dissolute regime of Henry IV brought his kingdom to its lowest levels of moral depravity, political iniquity, and economic confusion. The history of the servicio y montazgo during the period of degradation from 1464 to 1474 presents a convincing illustration of the hopeless demoralization of the times. Exemptions from the tax were scattered broadcast by unscrupulous lessees and collectors. Tax receipts were even being sold *firmado en blanco* — ' signed in blank ' — with the spaces for the amounts left open to be filled in by the purchaser as desired.[1] The clergy, who had always been exempt from the national servicio or general subsidy, now claimed freedom from any assessments of the sheep servicio; and since the monasteries, notably such opulent establishments as Las Huelgas at Burgos and Nuestra Señora at Guadalupe, were among the largest sheep owners of Castile, such exemptions made serious inroads upon the servicio y montazgo.[2] The widespread lawlessness and disorder wrought havoc with Mesta flocks.[3] Armed with sheep tax ' leases ' from Beltran or Pacheco, the robber baron friends of those two worthies

[1] Hernán Pérez del Pulgar, *Crónica de los Reyes Católicos* (Valencia, 1780), p. 165; *Ordenanzas Reales de Castilla*, lib. 6, tit. 4, ley 26.

[2] Complaints against this discrimination in favor of large sheep owners were first presented in behalf of small owners in the Cortes at Cordova in 1455 (pet. 13). In nearly all of the later Cortes of the reign these complaints were repeated.

[3] A vivid picture of the storm of outlawry which broke over Castile during this period can be found in the records of the Cortes; e.g., *Cortes*, Salamanca, 1465, pet. 16; Ocaña, 1469, pets. 19, 23. Further discussion by contemporaries of the deplorable financial conditions under Henry IV is found in Pulgar, *op. cit.*, p. 5. See also Schaefer, in *Arch. für Geschichte und Literatur*, iv, p. 72.

accosted the shepherds at every crossroad and wayside castle demanding 'servicio y montazgo.'

All the old paraphernalia of long forgotten mediaeval feudal dues was brought out and used by 'the crown and its defenders' as a disguise for further exactions from the sheep owners. Chief among these devices were the *juros de heredad*, or annuities, with which the crown had in past centuries rewarded the services of loyal followers in the Moorish wars.[1] A common form of such *juros* in the fourteenth century had been a privilege to levy a tax upon the sheep passing a certain point.[2] The favorites of the impotent Henry were not long in resorting to this device as a means of rewarding their clamoring adherents. The henchmen of grandees and even of royal counsellors soon appeared along the cañadas, and confronted the Mesta members with *juros* which entitled the bearers to parts of the royal servicio y montazgo.[3]

[1] The best account of the *juros* is found in Brit. Mus., Harleian Mss. 3315, p. 56: a description of financial affairs of Spain, compiled by an officer of Philip II's exchequer in 1577. The *juro de heredad* is there described as "la renta que el Rey da cada año a una persona. . . . Ay tres maneras de juros, como son juro al quitar juro por vida y juro perpetuo." The titles are of course derived from the different durations of the income. According to *A Short Account of the Spanish Juros*, a fifteen-page anonymous pamphlet printed in London in 1713, the name *juro* is due to the oath taken by the king to respect the titles of the recipients of such annuities.

[2] An example of this is found in the *juro de heredad* awarded to the town of Cáceres in 1303 by Ferdinand IV, "por servicios muchos y buenos que el concejo de Cáceres fizieron a los Reyes onde yo vengo y a mi." *Ronda*, a mediaeval tax to which sheep owners contributed heavily for the maintenance of the night watch around the town (see below, p. 428), was also extensively revived and falsely described as a royal impost. Ulloa, *Privs. de Cáceres*, p. 131.

[3] Arch. Osuna, Infantazgo Mss., caj. 1, leg. 11, no. 6 (1467); Arch. Mesta, Prov. i, 68 (1468). These annuities were promptly taken over and carefully regulated by the Catholic Kings as part of their extensive fiscal reforms, and soon developed into helpful revenues. During the sixteenth century the *juros de heredad* became, like their English counterpart, the benevolences, valuable sources of income to the autocracy.

An illustration of a *juro* granted in the shape of a share of the servicio y montazgo by Isabella in 1481 is found in Brit. Mus., 1321 k 1, no. 1. The recipient, Gutierrez de Cárdenas, "treue de mi por merced de juro de heredad para si et para sus herederos et subcessores et para quien del ó dellos ouiesse causa la renta del servicio y montazgo travesío de locos con ganados que inuernasen en todas dehesas del arçobispado de Toledo." On the history of the *juro de heredad* in the sixteenth century see Ansiaux, *op. cit.*, pp. 534, 542; Piernas y Hurtado, *op. cit.*, ii, p. 67; Altamira, iii, p. 261.

In vain the Mesta's attorneys at court and its lobbyists at the Cortes presented repeated protests against these incessant and all-pervading 'royal' taxes; but there was no one to hear who had the power or will to act.[1] These were days of ignominious impotence for the monarchy, culminating in the final insult of the dethronement of Henry in effigy on the plains outside the walls of Ávila.[2] At the Cortes of Santa Maria de Nieva in the fall of 1473, only a few months before his death, Henry tried to make belated amends for the profligacy of his reign. Full assent was given to the pleas of the deputies that all annuities, tax privileges, and exemptions granted since 1464 be cancelled; but as long as the monarchy continued ás it had been, such enactments could only be futile formalities. It was not until the dawn of a new era with the accession of Ferdinand and Isabella in 1474 that the long hoped for reform came.

[1] *Cortes*, Cordova, 1455, pet. 27; Salamanca, 1465, pets. 16 ff.; Ocaña, 1469, pets. 14, 15, 19, 23; Santa Maria de Nieva, 1473, pet. 18; *Quad. 1731*, pt. 1, pp. 131 ff.

[2] Altamira (ed. of 1909), i, pp. 605–615.

CHAPTER XIV

ROYAL SHEEP TAXES OF THE AUTOCRACY

Reforms of Ferdinand and Isabella. The crown and the fiscal rights of the Military Orders. Hapsburg exploitation of the pastoral industry. The Fuggers and the Mesta. Bankruptcy of the monarchy in the seventeenth century. Reforms of Charles III.

THE bankruptcy of the royal exchequer was one of the most perplexing of the many distressing legacies left by Henry IV for his youthful successors, Ferdinand and Isabella. As their policies grew more and more ambitious, as the war against Granada reached its climax and was followed immediately by the tremendous enterprises in the New World, the needs of the treasury became a cause of constant preoccupation. Revenues that had been dissipated had to be regained; economical administration had to be devised; all possible resources had to be tapped, and by no means the least of the potential incomes were the taxes derived from the migratory pastoral industry.

The sessions of the first Cortes summoned by the young sovereigns, namely those which met at Valladolid and Madrigal in 1475 and 1476, were therefore confronted with exacting tasks. Before any constructive legislation could be undertaken there had to be a thorough clearing away of the accumulation of exemptions, *juros*, and the many other devices by which the income of the crown had been squandered. The servicio y montazgo was among the first of the once royal incomes to be taken up in this reform campaign. It was decreed that not more than one such servicio was to be collected from any sheep owner in a given year; and that one was to be collected only by the crown or its authorized agents and lessees.[1] Armed with this mandate, and with the assurance of its enforcement by all the powers of the newly united monarchy, the Mesta's attorneys and the royal

[1] Arch. Mesta, Prov. i, 5, 7 (1476 ff.): records of suits brought under this decree.

bailiffs proceeded to wipe out the dozens of privately owned *puertos reales*, or ' royal ' toll gates, along the cañadas.

Other events soon stimulated this work. In October, 1474, Pacheco, the grasping Master of Santiago, and therefore owner of the sheep servicio, died and was succeeded in the grand mastership by Rodrigo Manrique, whose death in November, 1476, put an early end to his tenure. This brought to the newly crowned sovereigns a rare opportunity, which the sagacious queen immediately recognized. Promptly upon receipt of the news at Valladolid, she mounted her horse and hurried through three stormy days and nights to Uclés, nearly forty leagues away, where the Order was to chose its new grand master.[1] Appearing in person before that astonished body, she spoke briefly of the prestige of the organization, with frequent pointed allusions to its many incomes, several of which, including the Castilian servicio y montazgo, had once pertained to the crown. The mastership and its fiscal prerogatives, she said, were highly important to, and in fact were doubtless the legal property of the monarchy. Therefore, with calm audacity, she suggested the advisability of electing to the mastership either her lord, the king, or his staunch friend and councillor, Alfonso de Cárdenas, a knight of the Order and candidate for the honor. The chapter demurred, at first, at this " most uncommon procedure . . . but they were much afraid and all finally agreed to obey her commands." She was indeed of a very different sort from her impotent brother, the late unlamented Henry.

During the following year the king served as administrator of the affairs of the Order.[2] Ferdinand was far too shrewd to overlook such an opportunity, and the Order soon saw many of its lucrative incomes, including the Castilian sheep tax, unostentatiously turned back to the royal exchequer whence they had originally been taken. The Catholic Kings thus regained possession of the whole of the servicio y montazgo.[3] In November,

[1] Pérez del Pulgar, *Crónica de los Reyes Católicos*, pp. 117–118

[2] *Bullarium Equestris Ordinis S. Jacobi* (Madrid, 1719), p. 401.

[3] It will be recalled (see above, p. 263) that a small fraction of the servicio had been retained by the crown, namely that collected from sheep migrating to Murcia. In 1477 this share was entered on the royal accounts with certain diezmos, or im-

1477, Cárdenas was installed as master, a post which he held until his death in July, 1493. The honor was then formally conferred upon King Ferdinand, who had indeed been substantially in control of the affairs of the Order ever since his determined queen had made her historic 'suggestion' before the assembled knights at Uclés in the winter of 1476. Thenceforth the servicio y montazgo was once more in fact a *derecho real*, a royal tax.

With characteristic efficiency, the new sovereigns promptly ordered a report upon the size of the Mesta flocks, in order to estimate the returns from this new income. It was found that in 1477 the officers at the thirteen royal toll gates counted 2,694,032 migratory sheep,[1] on which the servicio y montazgo payments amounted to nearly 13,500 sheep or their money equivalent. Instructions were immediately issued to cut down the number of *puertos*, or toll houses, in order to save administrative costs,[2] and to punish the fraudulent collectors of servicio y montazgo 'whose deceptions caused great rises in the price of wool and meat and brought no return to the royal treasury.'[3] With the preliminary preparations well under way, the sovereigns were able to go before the Cortes of Toledo in 1480 with a programme for more drastic reform.

This historic assemblage, whose record in local fiscal affairs has already been reviewed,[4] was summoned primarily to set the finances of the Castilian monarchy upon a sound basis. Grants of funds in the form of juros which had been alienated from the royal treasury were ordered restored to the crown, which thus

port and export taxes, and the total amounted to 105,000 maravedis. Skilful management and strict administration had raised the item by 1482 to over five times that amount. Clemencín, *Elógio de la Reina Doña Isabel* (in *Memorias de la R. A. H.* vi, Madrid, 1821), pp. 157, 160.

[1] Arch. Simancas, Libros del Servicio y Montazgo, no. 879; also in Acad. Hist., Mss. Varios Documentos, E–128, fol. 143. This was partly reprinted in *Censo de Población . . . en el Siglo XVI* (Madrid, 1829), p. 108. Seven of the thirteen *puertos* reported more than 250,000 sheep apiece: Venta del Cojo, 329,272; Villaharta, 315,013; Torre de Esteban Ambran, 311,846; Socuéllamos, 298,891; Montalbán, 290,521; Derrama Castañas, 269,412; and Abadía, 255,061. See Map, p. 19.

[2] Arch. Mesta, Prov. i, 5, 1478; Arch. Ayunt. Cuenca, leg. 5, no. 29.

[3] Arch. Mesta, C–10, Cuenca, 1478.

[4] See above, p. 211.

regained some 30,000,000 maravedis of its lost incomes.[1] The leading contributors to this sum were families which had been enjoying large shares of the servicio y montazgo, and were now compelled to turn these incomes back to the royal exchequer. In order that there might be no misunderstanding, each town, church, or private individual claiming the right to collect a part of the servicio y montazgo was summoned to exhibit, within ninety days, any authentic documentary evidence substantiating such claims;[2] and then in the same paragraph the sovereigns proceeded, without waiting for the presentation of such evidence, to locate the eleven toll gates at which were to be stationed the only authorized collectors of this tax. To make the intention of the crown perfectly plain even more definite instructions were added: "Any one who asks for and collects it [the sheep servicio] elsewhere, is to die for his offence," and unlike similar pronouncements of previous rulers, this one was accompanied with explicit provisions for its fulfilment.

A fixed policy was soon announced for farming out the servicio y montazgo. Leases were cautiously assigned to a few staunch friends of the crown, subject to various restrictions and to immediate cancellation at the will of the sovereigns.[3] Old and long obsolete laws, particularly those of the code of 1457, regarding the administration of the tax, were enforced and for the first time made effective.[4] This included such measures as the exemption of breeding rams (*morruecos*) and bell ewes (*encencerradas*) from seizure as part of the servicio, a rule which applied also to local taxes.

The most significant aspect of this programme for the enforcement of the resolutions adopted in the Toledo Cortes of 1480 was the frankly aggressive policy pursued by the new autocracy to-

[1] Clemencín, *Elógio de la Reina*, pp. 147–149.

[2] *Cortes*, Toledo, 1480, pet. 10; *Ordenanzas Reales*, lib. 6, tit. 10, ley 13; *Nueva Recop.*, lib. 9, tit. 27, ley 15; *Quad. 1731*, pt. 1, pp. 131–146.

[3] Brit. Mus., 1321 k 1, no. 1 (1481): a lease of the royal sheep servicio of the archbishopric of Toledo to Gutierrez de Cárdenas; Arch. Osuna, Benevente Mss., caj. 2, no. 34 (1497): a similar lease for the town of Arroyo el Puerco.

[4] See above, pp. 265–267; Arch. Mesta, Prov. i, 15, 58 (1496–97). The prohibition of excessive fees for receipts (*albalas*) and of any fees for recounting the flocks was likewise enforced: Prov. i, 31, 61, 69, 72 (1495–99).

ward the towns. Local justices, and later the royal corregidores, were instructed to report annually at the end of April upon the administration of the laws regarding royal sheep tolls. Within a short time we find a commission of *veedores*, or inspectors, checking up these reports each spring. Cáceres, Plasencia, Trujillo, and other pasturage centres, which had once regarded themselves as quite above such pronouncements, soon found that they were now confronted with a monarchy which proposed to enforce its edicts.[1] This practice of using the sheep servicio of the crown against what had once been recognized as the prerogatives of the towns soon gave rise to one of the favorite policies of Ferdinand and Isabella. Hereafter they lost no opportunity to employ this well developed piece of royal fiscal machinery as a means of restricting local and private tax privileges. Thus we find them once more adapting skilfully an older institution — in this case the hitherto inconspicuous servicio y montazgo — to the purposes and profits, political and financial, of their dynasty.[2]

The coming of the House of Austria in 1516 meant a new epoch in the financial history of Spain. She suddenly found herself

[1] Arch. Ayunt. Cuenca, leg. 5, no. 29; Clemencín, *op. cit.*, p. 256; Arch. Ayunt. Cáceres, Docs. Isabella, nos. 17–19, 25, 45: a series of mandates to corregidores and *veedores* dated 1481–90, regarding the administration of the tax near Cuenca, Cáceres, Trujillo, Plasencia, and other towns which had not complied with the law of 1480.

[2] Arch. Mesta, A–9, Ávila, 1484: a decree of the Royal Council requiring that the methods of the servicio collectors be adopted by the tax officers of the church of Ávila in order that local sheep dues might be collected with due respect for the prerogatives and interests of the royal exchequer. Brit. Mus., 1321 k 6, no. 22: a royal *cédula* of 1500 instructing the corregidor and various servicio officers to take charge of the administration of all local sheep taxes in Cordova. This policy also became apparent with reference to the tax called *travesío*, a fifteenth-century royal toll on sheep making short migrations from one town or bishopric to another, but not passing any royal toll gates: *Quad. 1731*, pt. 2, p. 249; *Concordia de 1783*, i, fol. 287; *Nueva Recop.*, lib. 9, tit, 27, ley 3. It had fallen into the hands of Henry IV's favorites and had been parcelled out with the servicio among their satellites. Ferdinand and Isabella now took it over, and, because of its more restricted local character, as contrasted with the servicio, were able through their corregidores to use it as a means of absorbing local sheep taxes. Arch. Simancas, Diversos Castilla, 117 (*ca.* 1484); Brit. Mus., 1321 k 1, no. 1 (1481); Arch. Mesta, A–5, Aldea Nueva del Camino, 1504 ff. On the rapid rise of royal income under Ferdinand and Isabella, cf. Clemencín, pp. 153 ff.; Haebler, *Wirtschaftliche Blüte Spaniens*, p. 108.

swept along on a tide of world imperialism, and if her newly united realm was to weather the stress, one of her first needs was more revenue. Interminable foreign wars with France, the Turks, the Protestants, England, and the Netherlands taxed the waning resources of Spain to the limit. The conquest and government of the vast dominions of the New World, which were greatly extended in 1580 with the acquisition of Portugal and her possessions, laid further burdens upon the treasury, which were balanced only in part by the cargoes of the silver fleets. This elaborate programme of world empire, combined with an amazing incompetence and maladministration among fiscal officials, brought the sixteenth-century Hapsburgs into the gravest financial difficulties.[1] Under the Emperor and his son this meant imposing budgets, armies of collectors and administrators, elaborate programmes, proposals, and campaigns, all of which gradually collapsed into ruin in the seventeenth century. Before the last Hapsburg had died in 1700, that proud family had been reduced literally to house-to-house beggary for its meagre revenues. The exploitation of every possible source of income was therefore imperative, and as a consequence there came the revival of many old taxes and the invention of several new ones. To all of these the pastoral industry contributed heavily and in various forms.

Not one of the older royal exactions was overlooked. The *almojarifazgo*,[2] the *alcabala*, and the *diezmos de puertos secos* were all applied more strictly than ever to the migratory flocks and to export and sale of their products.[3] The *alcabala de yerbas*, a tax on pasturage rentals created by Ferdinand and Isabella, was levied with unusual severity by the fiscal agents of the Hapsburgs. They found a ready pretext for such assessments in the real estate speculations of Mesta members who had

[1] The financial history of the sixteenth century is well reviewed in Haebler, *op. cit.*, pp. 108–134; Ansiaux, *op. cit.*, pp. 543, 552, 557; and Colmeiro, ii, pp. 541–570, *passim*. The latter, p. 556, gives impressive data on the number of fiscal officials of this period — variously estimated at from 60,000 to 160,000.

[2] See below, p. 424.

[3] See below, p. 286. Philip II's wool export tax of 1558 (*Cortes*, Valladolid, pet. 9) was particularly trying for the Mesta; see p. 46.

been accustomed to sublet their pasturage leases.[1] The trade diezmos at the inland custom houses, or *puertos secos*, on the Aragonese border were made to yield heavily by a skilful device. Vaguely worded charters were magnanimously bestowed upon the Castilian Mesta on one side of the boundary, and upon various Aragonese sheep owners' gilds of Saragossa and Albarracín on the other. The flocks of all these organizations were permitted "to migrate freely" — but not free — "in either direction across the border." When they reached the boundaries, however, they found that 'registration fees' were being carefully assessed upon them, and export duties were exacted for all such animals as did not return to their home pastures.[2]

Other devices for raising funds were also employed, among them being the ancient royal claim to *mostrencos* or lost sheep. Regulations regarding the crown incomes to be derived from this source were even introduced into the New World, a so-called 'Mesta' having been organized in Mexico within a few years after the conquest had been completed.[3] The juros or annuities sold or leased by the crown to nobles, towns, and churches were rapidly increased. Among the items thus alienated for sorely needed cash were the once treasured returns from the servicio y montazgo.

This royal sheep tax became, in fact, one of the most exploited of all the dwindling revenues of the monarchy. New collection points were created by the crown, not only along the southern highways, but also near the Aragonese and Navarrese borders.[4] Privileges to collect tolls at these new toll gates were leased to creditors of the crown, and the lessees promptly amplified their exactions without either official authorization or restraint.[5] When

[1] Arch. Mesta, C–2, Calatrava, 1558 ff.

[2] The wool export tax of 1558 also bore heavily upon the Mesta. Cf. Haebler, p. 119.

[3] *Actas de Cabildo del Ayuntamiento de Tenuxtitlan, Mexico de la Nueba España* (Mexico, 1859), iv, pp. 313–314: ordinances of the town council of Mexico city and royal *cédulas* (1537–42) regarding the establishment of a Mesta like that of Castile. Cf. *Recop. Leyes Índias* (Madrid, 1774, 4 vols.), lib. 5, tit. 5, leyes 1–20.

[4] Haebler, *op. cit.*, pp. 109, 115–116, 129.

[5] The royal sheep toll gates were now arranged in five groups, of which the heads were Venta el Coxo, Rama Castañas, Montalbán, Abadía, and Villaharta; the

the Mesta attorneys induced certain Cortes members to protest against these extortions, the king's response dryly expressed the intention 'to do whatever contributes most to the good of our kingdoms and to our service.' The word servicio was thus subtly used in a double sense, to indicate both 'service' in general, and the 'subsidy' or servicio (y montazgo):[1] the good of the royal revenues was not to be neglected, at least in theory.

In vain the Mesta sought to invoke the aid of its supposed allies, the crown and its agents. The attorneys of the sheep owners soon realized, however, that this matter of the king's income involved a very different question from the problem of local taxes, which had been so readily, and, for a time, effectively solved by the sweeping measures of the autocracy. When it came to the curtailment of royal incomes the response of the crown to the Mesta's pleas was usually desultory or non-committal and frequently an open refusal. In spite of repeated pleas on the part of the Mesta, there were almost no instances of the investigation of servicio collections by the *juezes pesquisidores*,

last named, situated near the much frequented Calatrava pasture lands around Cordova, assessed over a million sheep a year. Arch. Mesta, Cuentas, January, 1520 ff. On the abuses of servicio lessees cf. Arch. Mesta, Prov. i, 28, 63 (1530); B–2, Barca de Oreja, 1530, a mandate of a royal councillor threatening a penalty of death for any further aggressions by a servicio lessee. *Cortes*, Madrid, 1528, pet. 142, alluded to collection of servicio y montazgo in the northern cities of Zamora and Toro. Among the most common offences of these lessees were the old devices of heavy fees for receipts, for recounting flocks, and for affidavits of various sorts. The selection of the best breeding rams (*morruecos*) of a flock as part payment of the toll was another of these violations of long standing rules and common justice to the shepherds. The poorer animals in the flocks of any one owner were usually sent ahead of the other animals in order that they might have the better pasturage. The collectors frequently detained all of the flocks of a single owner so as to select the best animals as their assessments, leaving out the weaklings and the *borregos* (yearlings). Arch. Mesta, Provs. iii, 8, and i, 57 and 59 (1539 ff.); Arch. Ayunt. Burgos, Mss. nos. 665, 745, 748, 951, 1048, 1571, 3754, 4640: a series of sixteenth-century suits and decrees regarding excessive and illegal exactions by servicio y montazgo collectors at unauthorized toll points and from non-migratory flocks. In Burgos and vicinity this tax was sometimes called the toll "de pata hendida" — cloven hoof — (see below, p. 288, n. 3) and with this name as a pretext, the servicio lessees laid claim to various local taxes on pigs and cattle, whether migrating or not. Similar trespasses on local tax prerogatives are noted in Arch. Mesta, S–5, Socuéllamos, 1537–55, and V–6, Villazgo, 1563.

[1] *Cortes*, Madrid, 1534, pet. 110.

those persistent special inquisitors who were so effective against local tax collectors.[1]

The Mesta dared not intrust its interests to the chancillerías or high courts at Valladolid and Granada, the decisions of which became more and more hostile just at the time when the servicio collectors were most persistent.[2] The Cortes secured the nomination of various investigating commissions during the period of financial distress in 1570 and after; but so far as the servicio y montazgo was concerned, the only measures taken by these bodies were intended to protect the local estantes or non-migratory flocks. Upon that point the Cortes, as the true champions of local privileges and the traditions of Spanish separatism, stood firm.[3] Even the *Contaduria Mayor*, the council in charge of the royal exchequer, gave little of that encouragement which the Mesta had in times past been led to expect from crown officials. In fact, the Contaduria was itself held responsible by the monarch for ample returns from the various incomes, and was therefore by no means inclined to be liberal in its judgments of any accusation against the avidity of its subordinates and lessees.[4]

It is not surprising, therefore, that the royal accounts showed rapidly increasing returns from the servicio y montazgo. The

[1] See above, pp. 213 ff. The only instances found of action taken by one of the *pesquisidores* against servicio lessees were in Arch. Mesta, U–1, Uclés, 1530, and B–2, Barca de Oreja, 1530.

[2] The only service rendered in this connection to the sheep owners by the chancillerías was in 1554, when the court at Valladolid ordered all servicio y montazgo collections to cease pending the decision of a case regarding excessive charges. But even this decree was intended principally to protect certain non-migratory flocks. On the other hand, whenever the various towns protested, on behalf of their sedentary flocks, against the servicio, the chancillería immediately came to their rescue; cf. Arch. Mesta, Prov. i, 91 (1585), and M–6, Murcia, 1540; Arch. Ayunt. Burgos, Mss. nos. 745, 748, 4640.

[3] Brit. Mus., Ms. Eg. 356, p. 119.

[4] What might be called the judicial committee of the exchequer was usually designated as the *audiencia de contadores*: Arch. Mesta, Cuentas, Feb., 1536; Prov. i, 91 (1584). A favorite device of this 'court' in disposing of Mesta complaints was to conduct endless investigations, to prorogue its sessions, and thus to exhaust the resources and patience of the complainants. Arch. Mesta, Prov. i, 57, 59, and T–2, Toledo, 1555 ff., contain cases against servicio lessees, which were on the table for sixteen years or more. Other hearings and decisions of the Contaduria or its

yield in 1563 was over three times what it has been when the first Hapsburg came to Castile:[1]

Year	Maravedis	Year	Maravedis
1513	5,718,277	1539	9,370,000
1517	6,311,640	1543	10,391,736
1520	7,213,373	1552	16,205,000
1526	8,079,250	1563	19,610,000
1535	8,500,000		

This increase was due entirely to the energetic exploitation of the tax by the royal agents and lessees and not to any growth in the pastoral industry. In fact, the number of transhumantes in 1514 was 2,895,471, according to the account books of the Mesta, and in 1563, 2,303,027, with the accounts for the intervening years sometimes rising above these figures, but showing, on the whole, a declining tendency.[2]

These older royal revenues being far too uncertain and meagre, newer and bolder expedients were soon suggested by the Emperor's incessant needs for funds and by his shrewd appreciation of the possibilities of the pastoral industry. The imperialistic designs of the youthful ruler had not yet been formally launched, in fact, he had been in the country only a few months when he induced the royal councillors to dispatch an audacious message to their senior colleague, the venerable and distinguished legist, Dr. Palacios Rubios,[3] then President of the Mesta. In the name of their new monarch they demanded a 'loan' of 3,500,000 maravedis from the sheep owners, offering as security certain pasturage privileges of the *maestrazgos* (grandmasterships of the Military Orders).[4]

subordinates are found in Prov. i, 88 (1596); V-6, Villazgo, 1563; Brit. Mus., Ms. Eg. 356, pp. 117–118 (1584 ff.); and Arch. Ayunt. Cuenca, leg. 9, no. 9 (1582).

[1] Compiled from Paris Bib. Nat., Mss. Esp. 359; Brit. Mus., Harl. Mss. 3315, p. 39; Laiglesia, *Estudios Históricos*, p. 242. At this time 375 maravedis equalled 11 reales or 1 ducat. On the international comparisons of these coins, cf. W. Lexis, *Beiträgen zur Statistik der Edelmetalle*, pp. 376–380, and Haebler, *op. cit.*, p. 160.

[2] See above, p. 27.

[3] He was the author of the Mesta code of 1511, as well as of several digests of colonial laws. See above, p. 49.

[4] Arch. Mesta, Cuentas, January, 1518. This use of the maestrazgos was somewhat presumptuous in view of the fact that they had been voted to Ferdinand only

This unceremonious and totally unprecedented proposal to increase the sheep owners' contribution to the royal exchequer by over fifty per cent (the servicio y montazgo of that year had been 6,311,640 maravedis) brought startled protests from those worthies; but the tempting form of the security quieted their wrath, and it was voted to raise the sum by extra assessments upon the flocks as they passed southward in the following fall. In January, 1519, within a few days after Charles had received the news of the death of his grandfather, the Emperor Maximilian, a messenger sped out to Talavera, where the Mesta was in session, and laid in Dr. Palacios's hands an even more peremptory mandate than that of the previous year. In polite but firmly worded sentences the request was made, not for a 'loan,' but for a 'subsidy [servicio] for the purposes of the king.' This was the Mesta's contribution toward winning the imperial crown for the young sovereign. The costs of empire were thus promptly and impressively brought home to the organized wealth of Castile.

In the following September, two Flemish accountants of the royal exchequer appeared unannounced in the midst of the Mesta session at Aillon and presented authorizations for an audit of that body's accounts of the previous ten years. This was almost too much for the Castilian pride of the sheep owners. They protested vehemently against such a presumptuous intrusion upon their ancient privacy and privileges, which no monarch of the past two centuries had ever thus violated; but their learned President could cite no legal obstacle to such proceedings, and the royal treasury soon secured complete records of the resources and tax-yielding possibilities of the country's largest industry.[1] We can readily appreciate, therefore, why the Mesta should add its protests to those of the realm against the impertinence of the young sovereign's Flemish courtiers, whose shameless profligacy, foreign interests, and grandiose ambitions were about to impoverish the fair plains and peaceful flocks of Castile.

for life, and not as a permanent concession for the royal patrimony; the latter did not come until the bull of May 4, 1523, was promulgated.

[1] Arch. Mesta, Cuentas, September, 1519.

Charles lost no time in preparing to hurry out of his realms before this storm of angry complaints should break. He summoned the Cortes to remote and supposedly safe Santiago, later transferring the sessions to Coruña. The Mesta was not in the least disconcerted by this move; it promptly sent its corps of experienced attorneys and notaries, who gave conspicuous help to the deputies in their denunciation of the Flemish interlopers and in demands for reforms.[1] When these verbal protests had failed and the violence of the *comunero* uprisings broke out, the individual members of the Mesta, inspired by the legal advisers and leaders of their organization, played prominent parts. Of this there is ample evidence in the activities of wool workers and sheep raisers in such Mesta centres as Segovia, Zamora, Burgos, Soria, and Cuenca. As a body, however, the Mesta took no official action in this violent outburst of national protest against the exploitations of foreign interlopers.

Thereafter, whenever Charles visited his peninsular realms the sheep owners were reminded of his presence by another demand for a forced loan.[2] During the first thirty strenuous years of his reign, the Emperor secured in this manner a total of nearly thirty million maravedis. This sum was collected in instalments of from three to four million maravedis whenever the campaigns against Francis I or Tunis or the Lutherans demanded funds. The Mesta's protests soon ceased, however, when the glories of the Empire and of the pious crusades against Indians, unbelievers, and heretics reflected their light upon Castile.[3] It should not

[1] Arch. Mesta, Cuentas, August, 1520: itemized account of the costs of this unusual pilgrimage to Santiago.

[2] In November, 1525, partly in order to placate the Mesta, Charles issued a sweeping confirmation of its ancient privileges and charters, beginning with the first ones of 1273 and 1285. The original of this document is magnificently illuminated, the initial having a well executed portrait of Charles, probably the earliest representation of the young Emperor with a beard. See Frontispiece.

[3] Arch. Mesta, Cuentas, January, 1524; January, 1525; February, 1526; February, 1528; August, 1535; August, 1543. The funds were usually raised by extra assessments upon the flocks at the *puertos*, but when the demands were urgent, the loan was usually negotiated on the credit of the Mesta with bankers at the annual fairs of Medina del Campo, who in turn sometimes resorted to exchange on Valencia. The Mesta accounts for August, 1543, give the details of such a transaction.

be forgotten that the Mesta never lost the semi-religious characteristics of a *cofradia de pastores*, or brotherhood of shepherds. It always contributed to various pious causes, to the maintenance of chapels, and even to pilgrimages to the Holy Land. In fact, to this day, its successor, the Asociación General de Ganaderos del Reino, opens its annual sessions with a mass and with contributions to the church. The Mesta soon became reconciled, therefore, to the heavy burdens of this devout service, especially when it was realized that the world-wide prestige of Spain was paving the way for the rapid expansion of foreign markets for merino wool.

Some of these financial transactions between the Mesta and the Emperor involved the great Augsburg banking family of the Fuggers, to whom Charles was so deeply in debt. The Fuggers had sent a representative to accompany their distinguished young client to Spain, and before long they had taken over the royal incomes from the pastures of the maestrazgos or grandmasterships. A few of these maestrazgo perquisites had come into the Mesta's possession in 1518 and after, as security for the various forced loans to the Emperor. Thus it came about that this phase of the Mesta's obligations to the crown was transferred to the Fuggers,[1] who subsequently obtained from the sheep owners on similar maestrazgo securities various loans which they credited to the royal account.[2]

The uncertainties and dangerous possibilities of forced loans had, however, gradually exhausted the patience of the sheep owners. At their autumn meeting in 1545 they solemnly protested against all such excessive demands as "scandalous impositions, monstrous and unscrupulous beyond all reason, because, as your Majesty is well aware, our organization has no incomes save assessments on our flocks, many of whose owners are poor shepherds, widows, and others of limited circumstances." Charles received this outburst with calm dignity, but it seems to have made an impression upon him. Thereafter he was quite

[1] Konrad Haebler, *Die Geschichte der Fugger'schen Handlung in Spanien* (Weimar, 1897), pp. 75 ff.

[2] Arch. Mesta, Cuentas, August, 1544 ff.

satisfied with the concentration of the responsibilities for sheep taxation in the hands of the Fuggers, and no further forced loans were exacted from the Mesta. This new arrangement with the Fuggers was likewise satisfactory to the sheep owners, who much preferred the business-like dealings of the bankers to the uncertain and impulsive demands of the Emperor and his impecunious courtiers. In fact, after 1545 the accounts of the Mesta showed a steadily growing profit from subletting maestrazgo pasturage. Its annual credit balance exceeded one million maravedis for the first time in 1565, when the net profits in its treasury were 1,142,000.

Beside this transfer of a portion of the royal sheep revenues from the crown to the Fuggers, there came in 1563 a similar alienation from the royal exchequer to the Duke of Maqueda of the entire servicio y montazgo, which had long been partially farmed out but had never been entirely released from royal control.[1] This transfer marked the beginning of the decline of royal control over the sheep servicio. Although it appears for many decades thereafter among the incomes of the crown, the assessment and administration of that tax passed into the hands of the Mesta, for the latter had promptly purchased the lease from Maqueda, fixed the tolls, and collected them from its members at the *puertos*. In the same year the sheep owners also leased from the crown the title to the *travesío*, a royal sheep toll yielding annually about 6,700,000 maravedis. This was collected from the so-called *riberiegos*, local non-Mesta flocks migrating only across the borders (*riberas*) of the jurisdiction of their home towns, and not passing any royal toll gates.[2] Five years later, in 1568, the office of alcalde entregador, with all of

[1] The annual yield to the crown from this servicio lease hereafter approximated 19,000,000 maravedis. Cf. Paris Bib. Nat., Mss. Esp. 359; Brit. Mus., Harl. Mss. 3315, fol. 30; Arch. Mesta, Cuentas, February, 1563 ff.

[2] See above, p. 13. The term *travesío* first appeared in this connection in the servico y montazgo toll code or *Quaderno* of 1457 (see above, p. 266), and thereafter it was usually linked with servicio y montazgo as another form of royal sheep tax on migrants. Early in the sixteenth century, a clearer distinction between the two, as indicated above, was made necessary, because of the numerous leases of parts of each tax. Cf. *Nueva Recop.*, lib. 9, tit. 27, ley 3; *Concordia de 1783*, i, fol. 287.

its considerable incomes from fines and confiscations, was bought from the Buendía family by the Mesta.[1]

Thus, within the first decade of the reign of Philip II, the financial difficulties of that monarch had given to the Mesta opportunities to acquire a large measure of independence from its obligations to the crown. The servicio y montazgo still had to be paid, but the amount was predetermined by long-time leases, and not, as hitherto, by the caprices and necessities of the sovereign or his favorites and creditors. Furthermore, the steady decline in the value of money, due to the influx of American gold and silver and to the debasement of the currency, greatly reduced the actual burden of the servicio, which, as indicated, was kept at a fixed figure for long periods of years. It is not surprising, therefore, to find that these transactions of 1563–68 laid the foundations for more than a century of financial comfort for the Mesta.[2] Its annual surplus rose with extraordinary rapidity:

CREDIT BALANCE OF THE MESTA

Year	Maravedis (millions)	Year	Maravedis (millions)	Year	Maravedis (millions)
1565	1.1	1589	27.6	1595	23.0
1567	1.5	1590	8.6	1596	25.1
1584	3.0	1591	7.3	1597	26.2
1585	7.3	1592	13.4	1598	28.0
1587	25.0	1593	20.3	1599	29.6
1588	32.8	1594	23.4	1600	21.4

In 1587 the treasurer of the Mesta began to invest its funds in real estate, buying and selling houses and pasture lands at comfortable profits. Because of the mobility of his organization, he was able, through his collectors and agents, to keep in touch with and take advantage of differing conditions in various parts of the kingdom. Heavy investments in juros or annuities,[3] and

[1] See above, p. 85.

[2] Its accounts do not show a debit balance until after 1680.

[3] See above, p. 268.

purchases of leases of royal taxes, some of which had nothing whatever to do with the pastoral industry, explain the fall of the credit balances in 1590, 1591, and 1600.[1] The Mesta could not possibly have survived its stormy conflicts with chancillerías, towns, and Cortes during the sixteenth and seventeenth centuries had it not acquired these new sources of income. The ultimate dangers of this policy of buying up the royal incomes and thereby weakening the one constant defender of the Mesta, namely the monarchy, should have been apparent. But the financial difficulties of the crown were too immediate and urgent to permit of caution, and the Mesta itself thus became an important contributor to the bankruptcy of its patron, the crown.

The crucial period for the royal exchequer in this century came about the year 1570. Previous to that time the monarchy was usually solvent, and, on the whole, the amount of its incomes was quite satisfactory.[2] Matters began to change, however, with the storm of foreign difficulties and the resultant financial demands which swept down upon Philip from all corners of his empire during the decade after the peace of Cateau-Cambrésis (1559). His troops were beaten at Los Gebras while attempting to recapture Tripoli from the Turks (1560). A costly four years' war was then waged against the Barbary corsairs. Trouble began in the Netherlands in 1562, where open revolt broke out in 1565, Alva's administration dating from 1567. The persecution and revolt of the Moriscos also began in 1567, and resulted in heavy expenditures and ultimately in far heavier indirect losses to royal revenues through the impoverishment of the industries.

Funds had to be forthcoming, especially after 1574 when the foreign creditors of the crown temporarily refused further loans.[3]

[1] Arch. Mesta, Cuentas, September, 1589: purchases of the alcabala of Guadalajara for 12,375,000 maravedis, netting an annual income of over 6 per cent (750,000); of the *juro de yerbas* (taxes on pasturage leases) of the maestrazgos of Santiago and Calatrava, netting annually 375,000 and 275,000 maravedis, respectively. Ibid., September, 1599: purchase of the *juro de a veinte* (a form of half *alcabala* or twentieth, hence the name) of Mérida, netting 315,000 maravedis a year, and of a *juro de puertos secos* on the Portuguese border, netting 36,000 yearly.

[2] Haebler, *op. cit.*, pp. 121 ff.

[3] Moncada, *Restauración política de España* (Madrid, 1746), p. 53.

Accordingly additional sums were raised from various juros and from a new salt monopoly, created in 1564 on the basis of various ancient crown revenues from salt. To all of these the pastoral industry contributed heavily, its share of the salt taxes being especially burdensome.[1] In 1575 the alcabala was assessed upon all transactions at the Medina del Campo fairs, which had hitherto been exempt from that blighting impost. This was a serious blow to the Mesta; for most of its wool was marketed at Medina, and a large part of the supplies for the flocks were purchased there. Corregidores and other royal officers participated in campaigns to increase royal revenues from various industries, and in spite of the terms of the transaction of 1563, these officials undertook, quite likely with royal consent, to levy further imposts on the transhumantes. The Mesta had issued a revised Quaderno or code of the servicio y montazgo;[2] but, ignoring this, the corregidores took matters into their own hands, even to the extent of fixing the amounts of the servicio y montazgo to be paid by the sheep owners of a given locality.[3] As a crowning humiliation the Fuggers, who had already taken charge of some of the Mesta's obligations to the royal treasury,[4] brought new pressure to bear upon the pastoral industry. In 1595 one of their house was elected to membership in the Mesta, so as to influence the policy of that body in this matter of increasing its contributions to the crown.[5] The close of Philip II's long reign, in 1598, found the Mesta itself financially prosperous, but with its members subject to a constant succession of new demands from the rapidly weakening royal exchequer.

[1] *Nov. Recop.*, lib. 9, tit. 19, ley 1. Examples of increased sixteenth-century *juros* entitling the recipient to tolls from the Mesta are found in Arch. Hist. Nac., Registro de Santiago, caj. 116, no. 6.

[2] It was printed at Madrid in 1571: *Declaración de ley del quaderno que habla sobre los derechos del servicio y montazgo . . .* A copy is in the Biblioteca Instit. S. Isidro, Madrid.

[3] Arch. Osuna, Béjar Mss., caj. 15, nos. 47–48, (1593). On Philip's employment of the corregidores to rehabilitate his finances see also Haebler, p. 128.

[4] See above, p. 282.

[5] Arch. Mesta, B–2, Barca de Oreja, 1595. The Fuggers soon made use of this advantage by causing the flocks of the maestrazgos to be exempted from various Mesta dues and eventually from the servicio y montazgo. Arch. Mesta, Prov. iv, 11 (1747); *Definiciones de las Órdenes*, Alcántara, tit. 24, cap. 15 (1632).

As was to be expected, the decadence of the seventeenth-century Hapsburgs resulted in an almost frantic search for revenue. So far as the pastoral industry was concerned, the older royal taxes had already been alienated and new incomes had to be devised. The greater part of the servicio y montazgo was still farmed out by the crown to the Dukes of Maqueda — and by them to the Mesta — for some 19,000,000 maravedis a year, but, as explained above, this sum was depreciating steadily in actual value. Furthermore, all questions regarding the administration of the tax were settled between the Mesta and the Maquedas; since 1563 the crown had no longer a voice in the collection of this servicio.[1] There were, nevertheless, numerous attempts by fiscal agents of the crown to continue the practices of the corregidores of Philip II by levying illegal servicios; but these encroachments promptly brought vigorous protests, not only from the Mesta, but from the towns. The latter instructed their deputies in the Cortes to vote against the granting of the subsidy called *millones* unless the *condiciones de millones* (the redress of grievances to be conceded by the crown upon receipt of the new revenue) should include alleviation of older taxes.[2]

Almost every grant of millones was accompanied by such demands for fiscal reforms, among which the readjustment of the conditions of servicio y montazgo collections were conspicuous. The abuse of the Mesta by illegal assessments of the servicio did not interest the towns, save possibly Segovia, Soria, Cuenca, and León, the headquarters of the transhumantes. What was of special concern to most of the Cortes deputies was the general principle that local privileges and exemptions should not be violated by the feeble efforts of the incompetent seventeenth-century monarchs and their ministers to duplicate the absolutism of the first Hapsburgs. The two autocratic premiers who dominated the first half of the century, Lerma and Olivarez, attempted to trespass upon such cherished local institutions as the *comunidades*, or town leagues for the interchange of pasturage

[1] Arch. Mesta, Prov. i, 103 (1621 ff.): the records of a series of suits between the Mesta and the Maqueda family, regarding details of administering the servicio y montazgo.

[2] See above, p. 120.

rights without payment of taxes.[1] When the fiscal agents of the crown endeavored to assess servicios upon all non-migratory sheep which made use of *comunidad* pasturage, the Cortes promptly declared that the strict confinement of the servicio to transhumantes was an indispensable prerequisite to the vote of the millones.[2]

It was not long before the redress of servicio grievances became one of the regular features of the millones subsidy, just as the latter offered similar opportunities to the towns for adjusting their difficulties with the crown over the Mesta.[3] The Cortes deputies from some of the larger northern cities' whose constituents included many Mesta members, even went so far as to insist that their ancient charter exemptions from ' all montazgos ' included the servicio y montazgo. They declared that the latter, like all servicios, was a purely voluntary vote of an extraordinary subsidy by the sheep owners, and that it was not a regular tax at all.[4] The audacity of these contentions, many of which were actually recognized, indicates the hopeless incompetence and irresolution of those in charge of the royal exchequer.

This condition is even more clearly emphasized by the almost ludicrous extremities to which the fiscal agents of the crown were reduced in their efforts to raise additional revenues from the pastoral industry. Juros or annuities were lavishly conferred

[1] The name and many of the practices of these Castilian *comunidades* were probably adopted from the Aragonese town leagues. See above, p. 148.

[2] Arch. Mesta, Provs. i, 94, 98, 100, 103; ii, 42 (1601–54). Among the grievances included in these *millones* complaints were the usual ones regarding unauthorized toll points or *puertos*. These *condiciones de millones* were subsequently incorporated in the general code. Cf. *Nueva Recop.*, lib. 9, tit. 27, leyes 21–23; *Escrituras de Millones* (Madrid, 1734), fol. 78; Paris, Arch. Aff. Etrangères, Fonds Divers, T. 47 (Memoires et Docs., Espagne), pp. 144–152: Condiciones de la Mesta, 1638.

[3] See above, p. 120.

[4] Brit. Mus., 1320 l 7, no. 1, and Arch. Ayunt. Burgos, Ms. 951 (1627). Burgos endeavored at the same time to secure exemption from the *derecho de pata hendida* or ' tax of the cloven hoof.' This was assessed both by the crown and by various towns on owners of swine and cattle within the twelve league zone along the border of Castile, Navarre, and Aragon as a penalty for not registering their stock in order to check illicit border traffic. Cf. *Nueva Recop.*, lib. 6, tit. 18, leyes 21–22 (1404, 1552).

upon the Mesta and its more influential members, in exchange for gifts of money and sheep, for a tenth of the proceeds from the Mesta's sales of lost animals, for a tenth of the membership dues, and for shares in the receipts from entregador fines.[1] From 1650 to about 1655 the crown was receiving about 1,700,000 maravedis annually, as its share in these transactions, while the Mesta's profits from the *juros* and similar royal incomes were well over 2,000,000 maravedis. The 'salary' paid by the Mesta to its President, who was also the senior member of the Royal Council, was raised to extravagant figures; and the increase was paid into the royal coffers by the recipient, with the reluctant consent of the Mesta, which now needed more than ever the support of its only friend, the Council.[2]

The fiscal operations of the Mesta during this dreary period reveal further evidence of the use of its funds to secure support for its cause. This was accomplished by methods which are strangely suggestive of much more recent times. It will be recalled that attacks upon the Mesta by the Cortes became increasingly virulent toward the close of the sixteenth century, and that because of the threats of the deputies there had been no session of the Mesta in 1603.[3] In the following year, the sheep owners devised a new plan to nullify the opposition of the Cortes. 232,000 maravedis were spent as "alms among the poor" in certain southern pasturage cities whose deputies had been the leaders in the Cortes agitations.[4] Thereafter this item of 'alms' occurred every year in the accounts of the southern sessions. The sums disbursed fluctuated between 175,000 and 500,000 maravedis a year, and were varied occasionally by gifts of hun-

[1] Arch. Mesta, Cuentas, September, 1629; March, 1638; September, 1639; March, 1640; March, 1643; February, 1647; March, 1652; and March, 1684. These *juros* included part or all of the alcabalas of Molina, the *millones* taxes of Toro, Toledo, and Guadalajara, the *salinas* or salt taxes of Galicia, the *censo* of Talavera.

[2] Arch. Mesta, Cuentas, September, 1605; September, 1629; September, 1638. The President's salary under Philip II had been 50,000 maravedis a year; but by 1638 he was receiving 750,000, to which were added allowances for travelling expenses; and the Mesta was even instructed to pay his cook.

[3] See above, p. 119.

[4] Arch. Mesta, Cuentas, March, 1604.

dreds of shirts and shoes lavished upon the voters of towns whose deputies in the Cortes had been conspicuously hostile to the Mesta. In the days of its opulence under the patronage of sixteenth-century autocracy, the Mesta had found such expenditures quite unnecessary,[1] but other and more dubious times had come. The poverty-stricken sovereign could be influenced with money; perhaps some of the more troublesome among his equally impecunious subjects might be reached in a like manner.

Nor did the Mesta confine its efforts entirely to the constituencies of the militant southern deputies of the Cortes. In September, 1629, some 2,300,000 maravedis were given to "varias personas" in the form of *censos*, or income-yielding annuities. Who these various persons were is not recorded, but some light is shed upon the question of their identity by the fact that, shortly after that date, certain members of the Royal Council began to urge not only the most sweeping confirmation of the old Mesta charters, but also the concession of new and extravagantly liberal privileges involving unrestricted pasturage rights.

These episodes cannot be described exactly as irregular finance, since such practices were quite common at that time. Rather do they serve as illustrations of the fiscal history of the Mesta throughout this depressing epoch — a sordid record of bickering, squandering, and chicanery. The usefulness of the organization, both as a regulator of the pastoral industry and as a source of legitimate revenue to the crown, had long since passed. Its pretensions were scorned and laughed at in all the law courts of the realm. Such favor as it still enjoyed in the eyes of the decadent monarchy was bought and paid for in the manner described above. Although, thanks largely to the acquisitions of royal juros and other taxes, its accounts continued to show favorable balances for the greater part of the seventeenth century, indications of financial decay were not slow to appear.

The highest annual profits of the Mesta had synchronized with the period of extravagant royal concessions to the sheep owners, namely, in the early years of the decade 1630–40, when the surplus

[1] The only instances of alms before 1604 occur in the vouchers of the Presidents, who occasionally wished to be reimbursed for a *real* given to a poor shepherd.

each year averaged from 35,000,000 to 40,000,000 maravedis. But the persistent demands of Philip IV (1621–65) and his ambitious minister, Olivarez, soon made inroads upon this tempting fund. The crafty premier, in particular, had no scruples about abusing the fiscal privileges of the lucrative presidency of the Mesta. Furthermore, the reverses suffered by Spain at the hands of the Italians, French, Dutch, Portuguese, and English, from Naples, Rocroi, and the Dunes to Haiti and Jamaica, gave ample pretexts for 'emergency' contributions from the Mesta. The inevitable result was not long in coming. Within a decade after the prosperous years just mentioned, the annual credit balances had fallen to about 15,000,000 maravedis. In 1652 wholesale debasement of the currency cut the annual returns from the various fixed juros and other investments to 7,000,000 maravedis. Although some later years showed an occasional improvement, the general level of the annual surplus sank steadily, until it actually disappeared intermittently during the reign of the last and worst of the Hapsburgs, Charles II (1665–1700).

With the accession of the first of the Bourbons, Philip V, efforts were made at once by the royal exchequer to adopt the centralized administrative methods of Bourbon France. Many of the widespread juros and other outstanding obligations were promptly confiscated, a step which caused much suffering for the upper classes, and great loss for the Mesta, which by that time derived almost all of its income from these annuities.[1] The Bourbon advisers of the young king were by no means ready, however, to see this once prosperous and, for the crown, distinctly profitable institution lose all of its value, and plans to rehabilitate the wrecked finances of the Mesta were soon begun. The greater part of the old servicio y montazgo was restored to the royal exchequer, so that the amount received from this source in 1714 was 16,558,000 maravedis.[2] The Royal Council was placed in charge of the tax, and the details of its administration were entrusted to those invaluable agents of Bourbon centralization,

[1] *A short Account of the Spanish Juros in a letter to a Citizen of London* (London, 1713): Brit. Mus., T. 1700 (7).

[2] Uztariz, *Theórica y Práctica de Comercio* (Madrid, 1757), p. 152; Arch. Mesta, Prov. iii, 51 (1730).

the *intendentes*.[1] In addition to these measures, the crown took a considerable share of various Mesta incomes, which amounted to an annual average of nearly 2,500,000 maravedis during the period 1715–58.

Further evidence of the Bourbon intention to secure the full measure of royal incomes from the Mesta is found in a set of orders of the Royal Council issued in 1741. These required that local justices and intendentes should exact from all Mesta shepherds the full rates of the increased salt and millones taxes, from some of which the sheep owners had previously enjoyed exemption.[2] Moreover, the old practice of requiring forced loans or extra servicios from the Mesta was also renewed on one occasion.[3] Finally, in 1748, the export duties on wool, which for centuries had been levied at a nominal rate, were considerably increased. This measure was accompanied by the naïve observation that, in order to encourage the pastoral industry to bear these new demands, the old servicio y montazgo was to be forthwith suspended. It was finally abolished altogether in 1758.[4]

[1] Branchat, *Derechos que corresponden al Real Patrimonio en el Reyno de Valencia* (Valencia, 1784–86, 3 vols.), iii, pp. 51–55.

[2] Arch. Mesta, Prov. iv, 5 (1741); Brieva, *Colección*, p. 262. The millones taxes were the contributions toward the extraordinary subsidies of that name; they were levied upon meat, vinegar, and other provisions. This decree is not printed in Brieva, *Colección de Órdenes pertenecientes al Ramo de la Mesta* (Madrid, 1828), which purports to give the texts of all royal decrees on the Mesta from 1731 to 1828. As in other instances, the omission is probably accounted for by the unfavorable character of the document, from the point of view of the Mesta and of Brieva, its archivist.

[3] Arch. Mesta, Cuentas, March, 1746.

[4] Brieva, *Colección*, pp. 75, 108; Desdevises du Dezert, *L'Espagne de l'ancien régime: Institutions*, p. 387. The above explanation of the substitution of increased export duties on wool for the old servicio is from an unpublished essay written about 1790 by the learned economist Juan Sempere y Guarinos on the export duties of Spain: Acad. Hist., Ms. B–128, no. 6. According to a report of royal officials in 1758, the servicio was then being collected at nine points: Entrada de la Serena, S. Maria de Val de Diós, Huscaro, Villadiego, Socuellamos, Medellín, Mérida, Alcántara, and El Campillo. The data of this report reveal, however, that all but the first three of these were toll points for maestrazgo sheep taxes, some of which retained the old name of servicio y montazgo. Apparently the only royal tolls of the latter name at this time were being collected at La Serena, Val de Diós, and Huscaro, and the amounts were probably insignificant. The royal tax of travesío, levied on riberiegos, or local non-Mesta migrants, which was then

The greatest Spanish Bourbon, Charles III (1759–88), was quite ready to continue the intelligent policy indicated by these measures of 1748 and 1758. His convictions with regard to the uselessness of the Mesta as an organization were quite definite, the more so because of his earlier experience with the pastoral industry in his Neapolitan kingdom. He soon made it plain that if the crown was to derive any revenues from this source, they must come from a healthy and normal industry, and not from a pampered, senile, mediaeval, gild-like monopoly. The king was still credited on the Mesta accounts with shares of income from fines and penalties, but the amount dwindled, largely because of the aggressive campaign waged by Charles himself and his able ministers against the collection of these very penalties by Mesta officials. By April, 1781, when the last entry of these royal 'dividends' occurred, their total had fallen to less than 6000 *reales*.[1]

The Mesta members paid the regular taxes of the realm, but they did so as participants in a great industry and not as members of a nearly defunct organization. The alcabala, to which they had long contributed, was still levied,[2] as were also the various royal imposts on wool exports, and on pasturage in the Serena region of Estremadura and in the lands of the military orders.[3] From the first year of the reign of Charles III, however, the days of the Mesta and even of the migratory sheep industry were numbered. The reports of his various commissions and experts convinced that far-sighted monarch that the situation in Castile was the same as in southern Italy. Ample statistical material was available to show the great excess of returns from arable over those from pasturage, and even to demonstrate the

being collected at sixteen points, mostly in La Mancha and in the vicinity of Toledo, was also abolished at the same time; cf. Brieva, p. 27.

[1] The *real* equalled a fraction less than five cents. The Mesta accounts for that year, the last for which complete data are available, show a deficit of nearly 10,000 *reales*.

[2] Its disastrous effects upon domestic trade in the eighteenth century are described by Sempere y Guarinos in *Biblioteca Española Económico-Política*, iii, pp. ccxxv-ccxxvii; *Concordia de 1783*, i, fol. 341, discusses the alcabalas paid by sheep owners at that time.

[3] Canga Argüelles, *Dicc. de Hacienda*, ii, p. 505.

superiority of the sedentary over the migratory pastoral industry.[1] This material was used by Campomanes and the other ministers to convince the king, though such conviction was scarcely necessary, that the Mesta and its industry retarded agrarian productivity and consequently the growth of population. It was, therefore, a menace to the prosperity of the kingdom and to the solvency of the royal treasury. This fiscal aspect of the problem more than any other — much more than the question of supporting the Estremaduran towns in their defence of local privileges against the Mesta — was undoubtedly the chief explanation for the hostility of Charles toward that organization and for its ultimate overthrow.

Once the invaluable friend and financial comforter of Castilian monarchy, especially during the days of absolutism and centralized autocracy, the Mesta had lost its power and its usefulness; it was now but a Quixotic mockery of its ancient splendor. The treasure, amassed as the result of favors from its royal patrons, had been lavished upon attorneys and courtiers in an effort to revive and perpetuate its forgotten prestige. It was left, finally, for the last and in many respects the wisest of Spanish autocrats to seek the ultimate prosperity of his realm, not the immediate profit of his exchequer, and to take away the remnants of the privileges of this once pampered favorite of autocracy.

The days of the reaction under Ferdinand VII (1814–33) brought a belated respite to the Mesta. During this period a few of its old privileges were regained, in exchange for various imposts under the ancient names of portazgos and peages paid to royal toll officers at some sixteen points, but most of these did not even survive the Mesta itself.[2] From a fiscal point of view, therefore, the abolition of the organization in 1836 meant nothing. That step simply swept away the useless wreckage of mediaevalism and cleared the ground for the foundation of a pastoral industry along modern lines.

[1] *Concordia de 1783*, i, fols. 308–316.

[2] A bundle of documents marked *Derechos* in the Mesta Archive contains a summary of these royal imposts, prepared by Brieva shortly before 1836. Arch. Mesta, P–3, Pioz, 1837, also cites one or two such tolls that were still being collected at that date.

PART IV

PASTURAGE

CHAPTER XV

EARLY PASTURAGE PROBLEMS

The pasturage privileges of migrants in Mediterranean countries. Pasturage customs of mediaeval Castile. Commons. Enclosures. Deforestation. Sheep-walks. Pastoral industry not a menace to agriculture and enclosures in the Middle Ages.

It will be recalled that wherever the migratory pastoral industry appeared in the various regions about the Mediterranean, the causes of its origin and continued development were almost always certain topographic and climatic conditions which made necessary the semiannual changes of pasturage.[1] It is significant that the areas in which this industry became most conspicuous and best organized, namely southern Italy and Castile, were regions where large parts of the country were sparsely populated. The presence of these unoccupied lands has been sometimes taken as the explanation for the origin and long continued existence of sheep migrations. Although the Punic wars in Italy, and the conquests of the Moors and the devastations of the Black Death in Spain laid waste extensive tracts which were soon occupied by roving flocks,[2] the continued scarcity of population was as frequently an effect as it was a cause of the migratory sheep industry. The persistence of this form of pastoral life among the North African tribes is explained, in part, by the presence of ample unoccupied land and by the nomadic tribal customs; but equally important in the encouragement of flock migrations has been the character of Mussulman property law, which, unlike the Roman law, gives precedence to the possession and actual use of the land over any claims by title.[3] Large tracts of vacant land adjoining the camps and villages were not in constant use and therefore reverted to the tribal government as commons, which were utilized by herdsmen and husbandmen in turn on the basis either of formal agreements or of mutual convenience.[4]

[1] See above, p. 8.

[2] Antonio Ponz, *Viage de España* (2d ed., Madrid, 1784), viii, pp. 190 ff.

[3] Augustin Bernard and N. Lacroix, *Nomadisme en Algérie*, pp. 31 ff.

[4] *Ibid.*, p. 52.

The Roman migrants of southern Italy found their winter pasturage in the state lands of Apulia. A large part of the migratory herds belonged to the sovereign, and this, together with the payments of crown imposts by private sheep owners, brought the whole industry into a well regulated organization under imperial patronage. Some of the pasturage belonged to the stock-owners, and some was rented from private individuals, but by far the greater part was state land which was leased through *conductores* or agents. This feature of the crown ownership of most of the pasturage continued to characterize the Apulian pastoral industry throughout its later history, from its mediaeval reorganizations under Frederick II and the Aragonese down to the reform period of the eighteenth-century Neapolitan sovereigns and Murat.[1]

In the south of France, both in the migrations toward the Alps and up into the Pyrenean valleys, the flocks were not favored by any helpful royal patronage and had to depend largely upon the common lands of upland communities. These pastures were opened to them by agreements with the towns of the mountain valleys — the *cartas de pax* of Béarn, the *facerías* of Basse-Navarre, and the *traités de lies-passeries* of other pasturage regions.[2]

In contrast with this local control of Pyrenean pasturage on the north slope, the Navarrese pastures on the southern side of the ridge were largely within the demesne of the crown,[3] and the pasturage laws, were, therefore, quite like those of ancient and mediaeval Apulia. The kings of Navarre were thus in a position to exert unusual influence upon the pastoral industry in their realm; and the significance of this fact did not escape the watch-

[1] Cf. pp. 154 ff.

[2] Cf. pp. 142–146, notes.

[3] See above, pp. 158, 159. Further details with references to the early Navarrese laws may be found in Yanguas, *Dicc. Antig. Navarra*, i, p. 85, and ii, p. 414; also in the *Fueros de Navarra* (Pamplona, 1818), pp. 167 ff., and in Alonso, *Recopilación y Comentarios de los Fueros y Leyes de Navarra* (Madrid, 1848, 2 vols.), i, p. 287 (restrictions against tenants outbidding each other; cf. Castilian *posesión*, below, pp. 322 ff.); ii, p. 216 (reservation of *dehesas de bueyes* or ox pastures); ii, p. 270 (limitation of cultivation in open land of the *sierras* or mountain ridges); ii, pp. 273–282 (Bárdenas, the royal pasturage district).

ful eyes of Ferdinand and the other sixteenth-century Spanish autocrats, who came in close touch with Navarrese affairs.

The situation in Aragon was also quite like that in southern Italy; in fact, the Aragonese had some two centuries of experience with the same problem in their Italian possessions. Such sheep owners' charters as those granted by the Aragonese kings in 1120, and after, to the *Casa de Ganaderos* or 'Stock Owners' House' of Saragossa, had given the recipients the usual vague privilege of "unrestricted pasturage in all parts of the realm."[1] In spite of this more or less theoretical concession, which the Casa seldom attempted to enforce literally, the extraordinary vigor and vitality of local privileges and institutions in Aragon forced the migrants to depend largely upon the wooded crown lands or *montes realencos*, in which successive kings had granted them exceptional liberties.[2] The most formidable of these local obstacles in the way of the Saragossan flocks were the jealously guarded pasturage rights and agreements of the four great *comunidades* or town leagues of Calatayud, Teruel, Daroca, and Albarracín, whose lands for centuries comprised nearly a quarter of the kingdom of Aragon.[3] The feeling between these leagues and the Saragossan migrants was always hostile; and although the herdsmen of either party occasionally rented pasturage from the other, such arrangements were made only under financial necessity, or, more frequently, when the land required fertilization.[4] Even then the whole transaction was carefully regulated by various ordinances. One of the most prevalent of these re-

[1] Arch. Casa Ganaderos, Saragossa, leg. 138, no. 1. When James I and his Aragonese troops conquered Valencia, similar privileges were bestowed upon the sheep owners of that region. Branchat, *Derechos y Regalias . . . de Valencia*, iii, pp. 1–4; Colmeiro, i, p. 293; Acad. Hist., Mss. Privilegios de las Iglesias, 25–1–C 10, fol. 50 (a similar edict in favor of sheep owners of Alquezar, near Huesca, 1228).

[2] *Ordenanzas de la Casa de Ganaderos* (Saragossa, 1817), tit. 10; Brit. Mus., Ms. 8702, fols. 33–36 (1229).

[3] See below, pp. 415 ff., for references to the printed ordinances of these *comunidades*. The best historical account of the latter is in an unpublished manuscript by Tomás Barrachina, of which an eighteenth-century transcript is in the possession of the present writer.

[4] Costa, *Colectivismo Agrario* (Madrid, 1898), p. 402.

strictions provided for the settlement of all disputes between sheep owner and landowner by the latter's alcalde or local judge.[1]

In order to make advantageous pasturage arrangements, from the sheep owners' point of view, the principle of collective bargaining was strictly enforced by the Saragossan Casa, which represented the most numerous group of migrants in the kingdom. Every pasturage lease drawn up between a member of that body and a private landowner or a town had to be approved by the Casa officials. Particular care was taken to prevent the bidding of two Casa members against each other by an arrangement guaranteeing the rights of the first tenant. This was quite like the notorious *posesión* laws of the Castilian Mesta.[2] Another feature of mediaeval and early modern Aragonese pasturage law and practice was the local prejudice against the ownership, and in some cases even the temporary occupation, of neighboring pasturage by *forasteros* — strangers or non-residents.[3] This prejudice was, as we shall see, common in Castile as well; it represented, in fact, the perennial and universal antagonism between arable and pastoral, between sedentary and nomad.

We may say, then, that in most of these Mediterranean lands, and especially in those where the migratory pastoral industry was most extensive and best organized, the crown lands served as the usual pasturage for the migrants. Secondly, it is evident that respect for local property rights — both private and communal — was insured by the towns themselves through their agreements and leagues. Thirdly, the sheep owners in turn pro-

[1] *Capitulación y concordia otorgada por . . . Albarracín* (Madrid, 1691, 16 pp.), par. 2; a copy of this rare print is in the Library of the Hispanic Society of America, New York. *Ordinaciones de la Casa de Ganaderos* (Saragossa, 1640), pp. 52–54; *ibid.*, ed. of 1817, tit. 10: Arch. Casa Ganad., Mss. Privilegios, 25 (1501): a charter summarizing the pasturage rights of the Casa in the *alera foral* or pasturage shared in common by the towns of the comunidades. On the *alera foral* and the pasturage practices of the comunidades, see also Borao, *Voces Aragonesas*, p. 150, and Costa, *Colectivismo Agrario*, pp. 399–401, 561.

[2] See below, p. 322. *Ordenanças de la Casa* (1640), pp. 58 ff., 72.

[3] *Concordia de 1783*, ii, fol. 109, citing Aragonese local legislation of 1311 ff. Acad. Hist., Traggia Mss., vi, B–140, fol. 11: Aragonese town ordinances of 1284 ordering the expulsion of all such intruders from town pastures.

tected themselves in the matter of securing adequate and moderately priced pasturage by restricting competition among the members of their organizations. With these three essential features of the pasturage problem in mind, we may turn to the consideration of the situation in Castile.

The oldest of the Spanish codes, the *Fuero Juzgo* of the Visigoths, made ample provision for the pasturage of the *caminantes* or migratory flocks.[1] They were to have unrestricted access to all unenclosed lands (*tierras abiertas*), whether such lands belonged to the crown, to towns, or to private individuals. They were not to stay more than two days on any one jurisdiction without the owner's consent; the right of the shepherds to cut down any trees, save large ones, was recognized; and any branches might be used as fodder for oxen. All of these points became regular features of subsequent pasturage legislation down to and including the first charters of the Mesta.

The pasturage clauses of the Visigothic code also reveal a problem which was destined to be of fundamental importance to this industry, namely the question of enclosures. Although the Fuero Juzgo recognized the right of a landowner to enclose his property and to punish trespassing flocks, it favored the sheep owners by forbidding towns to enclose their commons, to obstruct sheep-walks, or to hinder access to the waste lands (*baldios*) of their vicinity.[2]

Many early town charters or fueros took up the same question of allowing migrants the privilege of unrestricted access to the local commons. As the Reconquest progressed, the Christian kings lavished privileges upon loyal cities, monasteries, and military orders, permitting the recipients to pasture their migratory herds upon crown lands, baldios, and even town commons.[3] Oc-

[1] *Fuero Juzgo*, lib. 8, tit. 4, ley 27.

[2] *Ibid.*, lib. 8, tit. 3, leyes 9, 10, and tit. 4, leyes 25, 28.

[3] Examples of these liberal pasturage privileges from the ninth to the fourteenth century are found in González, vi, pp. 2, 42, 218, 294, 319; Muñoz, i, p. 244; Loperraez Corvalan, *Descrip. Obispado de Osma*, iii, p. 92; *Bull. Ord. Milit. Calat.*, p. 150; *Bull. Ord. Milit. Alcant.*, p. 128; *Boletín Real Acad. Hist.*, viii, p. 59; Oihénart, *Notitia utriusque Vasconiae* (Paris, 1637), p. 86.

casionally these privileges were restricted as to the number of sheep so favored, or as to the area and location of the pasturage conceded, but as a rule they were vaguely and sweepingly phrased to permit grazing on all lands not owned and actually used by private individuals. These concessions were obviously not intended to be interpreted literally; for they conflicted at many points with town charters, which frequently reserved adjoining waste lands and commons for the exclusive use of local flocks. In consequence of these contradictory privileges, there was ample ground for conflicts between the opposing parties. Since the cities and towns had developed in strength and importance long before the effective organization of the migratory pastoral interests, the latter were forced, as a rule, to give way. In later years, however, when the support of powerful and ambitious monarchs was given to the Mesta, the latter resurrected all of the old sweeping privileges granted to migrating shepherds in various parts of the kingdom. These it undertook to enforce; and the attempt met with marked success, especially under the patronage of Ferdinand and Isabella.

In addition to these royal pasturage grants, there were other and even more important factors contributing to the solution of the pasturage problem of the migrants. The intermittent danger of Moorish raids had kept the plains of La Mancha, Estremadura, and the Guadalquivir valley clear of population, save for the larger and well fortified cities. Such patches of arable lands as had been developed were in the vicinity of these towns; and the peasant farmers usually welcomed the visits of the flocks, before they became too numerous, because of the fertilization which they provided.[1]

In spite of these encouragements to the unobstructed movements of the migrants, enclosures by individuals and especially by towns were steadily going on. From the eighth century onward there are indications, mostly in the town ordinances and fueros, of various types of enclosed pastures and regions. The *arbustum vitatum* or *bustum vitatum*, for example, later became one of the

[1] F. de Cárdenas, *Propiedad Territorial en España* (Madrid, 1873–75, 2 vols.), ii, p. 288.

cosas vedadas or ' forbidden things ' from which the Mesta flocks were strictly excluded. The *divisa* of the early Middle Ages appeared in the days of the Mesta as the *defesa* or *dehesa*.[1] These ' forbidden ' and ' divided ' areas were reserved for the exclusive use of flocks belonging to the townspeople, and were simply enclosed sections of the *éxidos* or *éjidos*, the town commons. The *dehesas* or *lugares vedados y dehesados* were set aside for local non-migratory animals, either permanently or for certain months in the year, as for instance the *agostaderos* (August pasture), or *invernaderos* (' winter pasture '). Sometimes they were reserved for the use of specified animals, such as oxen, brood mares, steers for the local abattoir, or war horses.[2] Oxen were particularly favored in the early town charters of Estremadura, La Mancha, and Andalusia, where the ox pasture or *dehesa de bueyes* — sometimes called the *dehesa boyal* or the *dehesa de labor* — was carefully guarded from intrusion by migratory sheep.[3]

By the end of the twelfth century it had become customary for the Castilian monarchs, in granting the usual town privileges for sheep migrations in all parts of the realm, to include in the concession a warning that the flocks must not trespass upon any *dehesas*, grain fields, vineyards, orchards, or *prados de guadaña* (mown meadows).[4] These types of enclosures became known

[1] For a discussion of the philological history of these terms, see Wiener, *Commentary to the Germanic Laws* (Cambridge, Mass., 1915), pp. 116, 136. The fuero of Soria in Loperraez Corvalan, *Descrip. Obispado de Osma*, iii, pp. 91 ff., gives a good picture of the administration of town *dehesas* at the close of the thirteenth century. See also *Fuero de Sepúlveda*, ed. F. Callejas (Madrid, 1857), tit. 170; and Ureña, *Fuero de Zorita de los Canes*, pp. 335, 343.

[2] *Expediente de 1771*, part 1, fols. 56 ff., enumerates and defines various types of enclosed pastures.

[3] The care of oxen has been the subject matter of legislation in Castile for many centuries. Cf. Texada y Otalora, " Memoria sobre las ventajas . . . de bueyes ó mulas," in *Mem. Soc. Econ.*, v (Madrid, 1795), and Miguel Nicolas de Palma, *ibid.*, iii, pp. 8–14 (1787), on the history of the ox in Castilian agriculture. See also Charles Weiss, *L'Espagne depuis le règne de Philippe II* (Paris, 1844, 2 vols.), ii, p. 106; Jordana, *Voces Forestales*, p. 43; and especially Ramirez, *Bibliografía Agronómica*, p. 956. In 1347 cattle were included in the *cabaña real*: *Quad. 1731*, pt. 1, p. 49. In Valencia the ox pastures were known as *boalares*: Branchat, *Derechos y Regalia . . . de Valencia*, iii, pp. 6–8.

[4] Colmenares, *Hist. de Segovia* (ed. of 1640), p. 163 (1200): " in messibus, vel in vineis, vel in hortis, vel in pratis, vel in defesis, quae solent esse cognitae."

to the herdsmen thenceforth as the *cinco cosas vedadas*, the 'five forbidden [or enclosed] things,'[1] and it was not until the Mesta had the powerful patronage of the sixteenth-century autocrats that the migrants dared intrude upon any of them. Beside the strict reservation of these enclosures, there were other local pasturage regulations which were less severe upon the nomads. For example, the latter were occasionally given the privilege of pasturing on the *rastrojo* or stubble and straw residue after the harvest.[2] This resembled the 'common of shack' or the use of Lammas land in mediaeval England.[3] Furthermore, after the grapes had been gathered the vineyard owners quite often extended a similar privilege to the migratory flocks for a nominal rental. The trimming of the vines and the fertilization of the soil by the sheep were regarded by the agriculturist as ample compensation, while the herdsmen valued the *pámpanos* or vine leaves as a particularly fattening fodder.[4] Occasionally groups of Castilian towns made arrangements for the mutual enjoyment of each other's enclosed commons,[5] somewhat after the manner of the Aragonese town leagues. In this, however, they were not so successful as the more vigorously developed organizations of the eastern kingdom.

The great thirteenth-century codes of Alfonso the Learned summarized the accumulated experience in pasturage regulation of previous centuries. Both the *Fuero Real* (1255) and the *Partidas* (*ca.* 1256–65) reflected in this respect the increased stability of rural life and the growing importance and strength of town governments in the exercise of jurisdiction over public lands.

[1] Other instances of royal protection to the *cosas vedadas* are found in Muñoz, p. 271; Cascales, *Discursos . . . de Murcia*, disc. ii, cap. xviii; *Memorial Histórico*, i, p. 333; Acad. Hist., Mss. 25–1–C 8, fols. 93 ff.: various privileges of the migratory flocks of Coria and of its church.

[2] Alonso de Herrera, *Libro que trata de la Labrança* (Toledo, 1513), cap. 5: on *rastrojos* in mediaeval Castile. A typical illustration of the mediaeval *rastrojo* regulations of a Castilian town is found in Valverde Perales, *Antiguas Ordenanzas de Baena* (Cordova, 1907), pp. 196, 223, 516, 558.

[3] K. E. Digby, *History of the Law of Real Property* (Oxford, 1876), pp. 6–7.

[4] Cárdenas, *op. cit.*, ii, p. 289; Altamira, *Propiedad Comunal*, p. 234.

[5] Arch. Osuna, Docs. Arcos, caj. 2, no. 52 (1435); Costa, *Colectivismo Agrario*, pp. 399–401; González, vi, p. 299.

Although the migrating flocks were allowed access to open unclaimed areas, and the shepherds were given liberal privileges to cut trees for their uses,[1] they were hampered by the increased importance given to town commons and especially to town enclosures. Commons were defined in the Partidas as being "for the common benefit . . . of the poor as well as of the rich." They were not open to non-residents without permission from the townspeople, nor was any private individual ever to secure title to part of the public lands, whether town streets, enclosed *dehesas*, or open *éxidos*.[2] Many contemporary town charters went further than these measures, and, like the Aragonese laws, forbade the ownership of land by non-residents.[3] This insistence upon the priority of the claims and interests of the resident property owners was one of the foundation stones upon which the opponents of the Mesta rested their cases in the litigations of later years. In fact, it became the fundamental argument of Campomanes and the other reformers of the eighteenth century, who finally accomplished the practical destruction of the sheep owners' organization.[4]

The most important contribution of the thirteenth-century codes in this connection was their insistence, not only that the town *dehesas* or enclosed pastures were to be undisturbed by migrants, but that planted lands, especially grain fields (*mieses*), orchards, and vineyards, were to be strictly guarded against trespassers. Furthermore, when the sheep owners petitioned for royal letters to insure their safety while on the way, these safe conducts were issued as requested, but with the warning that all local enclosures were to be respected by the flocks.[5] These letters defined in general terms the relations between the herdsmen and the owners of enclosed lands and brought the migratory pastoral interests as a whole under the protection of the crown.

[1] *Fuero Real*, lib. 4, tit. 6, ley 4; *Part.* 3, tit. 18, ley 19; tit. 28, ley 9. See below, pp. 306–307.

[2] *Part.* 3, tit. 28, ley 9 and tit. 29, ley 7.

[3] *Concordia de 1783*, ii, fols. 109, 110, cites instances from the fueros of Estremaduran towns. A possible precedent for these may be found in the *Fuero Juzgo*, lib. 10, tit. 3, ley 4, which prohibited certain forms of absentee ownership.

[4] *Expediente de 1771*, pt. 2, fols. 60, 71, 72, 91.

[5] *Part.* 3, tit. 18, ley 19.

This gave rise, within a decade after the completion of the Partidas code, to the first charters of the "national assembly or *concejo* of shepherds," the Mesta.

In view of this fact, it is curious that neither the early Mesta charter of 1273 nor that of 1276 contains any direct allusion to the pasturage privileges of the transhumantes.[1] These documents are concerned almost entirely with the judicial protection of the flocks against unjust local tolls. Their only approaches to specifications regarding pasturage were, first, the enumeration of the rights of shepherds in the forests, as to forage and wood supplies for their uses, and, second, the restrictions placed upon the size of the town ox enclosures, the areas of which were not to exceed three *aranzadas* for every yoke pastured.[2] Throughout the later Middle Ages the above points were the chief features of the pasturage problem: namely, the rights of the sheep in unoccupied forest and waste lands, and the mutual obligations of herdsmen and husbandmen regarding the passage of flocks near enclosed areas. With regard to the first of these two factors, the Mesta at once assumed an aggressive policy. It undertook to check any attempts on the part of townsmen to interfere, by means of montazgos, fines, and excessive tolls, with freedom of access to waste lands and forests.

This active interest which the sheep owners manifested in the wooded regions brings up the question of the deforestation of Castile, one of the many crimes laid at the door of the Mesta. There is some ground for the accusation in view of the unrestricted liberties of the flocks in the forests. The charter of 1273 granted permission to the shepherds to cut as many branches (*ramonear*) [3]

[1] Colmeiro, i, p. 285, n. 1, is misleading in this regard. See my commentaries on these charters of 1273 and 1276, in the *Boletín de la Real Acad. de la Hist.*, February, 1914, pp. 202–219.

[2] The usual definition of the *aranzada* is the area which can be ploughed with a yoke of oxen in a day. Covarrubias, *Tesoro*, gives the form as alançada and ingeniously defines it as the area "que un buen braço puede arrojar una lança." The *Informe de Toledo sobre pesos y medidas* (Madrid, 1780), p. 169, gives the *aranzada* as being equivalent to 400 *estadales*, which, according to López Martínez, *Dicc. Encic. de Agricultura* (Madrid, 1886), is 447 *deciareas*, or 4470 square metres, that is, something over an acre.

[3] This is quite like the old English right of 'common of estovers' or 'botes';

as they might require for their corrals, fences, cabins,[1] tan-bark, fodder, fuel, and dairy implements. Far more serious to the life of the forests was the herdsmen's practice of burning the trees in the fall to provide better spring pasturage — a custom which has been common wherever the sheep industry has prevailed.[2] The erosion which invariably sets in after such destruction was, of course, aggravated by the damage wrought to small shoots and to the moisture-retaining turf by the sheep themselves. There can be no doubt that the Castilian forests suffered severely from the regular visits of the millions of migrating sheep.[3] It seems certain, however, that during a greater part of the later Middle Ages, Castile was still heavily forested, and that the crude conservation measures of the thirteenth-century Cortes[4] and those inauguarated by Alfonso the Learned in his code, Las Siete Partidas,[5] which were subsequently incorporated in various local ordinances,[6] were at least moderately successful. The famous *Libro de la Montería*, the royal hunting book of the mid-fourteenth century,[7] describes extensive wooded areas in all

cf. Robert Hunter, *The Preservation of Open Spaces* (London, 1902), pp. 3–4, 59–66, 194–195. On the forest rights of sheep in mediaeval England, see Hunter, pp. 191–192.

[1] The word is connected with the Castilian *cabaña*, a shepherd's hut.

[2] Pelham, *Essays* (Oxford, 1911), p. 303, cites references from the classical authors on the practice in southern Italy. See Cavaillès, "Le déboisement dans les Pyrénées françaises," in *Rev. de Paris*, 15 Nov., 1903, pp. 287–314.

[3] On the history of attempts at forest conservation and the gradual deforestation of Castile, see B. E. Fernow, *History of Forestry* (Toronto, 1907), pp. 298–305; Cavaillès, "La question forestière en Espagne", in the *Annales de géog.*, 15 July, 1905, and "L'économie pastorale dans les Pyrenees", in the *Rev. gén. des sciences*, 15 Sept., 1905; Weiss, *L'Espagne depuis Philippe II*, ii, p. 103; Jordana, *Voces Forestales*, p. 226.

[4] *Cortes*, Valladolid, 1258, pet. 42, and Jerez, 1268, pet. 39: "he who sets fire to a forest is to be thrown into it." Cf. Valladolid, 1351, pet. 61. The last is a complaint regarding fires caused, not by shepherds, but by peasants for the clearing of the land.

[5] *Part.* 7, tit. 16, ley 28.

[6] *Ordenanzas que los señores de Granada mandaron guardar* (Granada, 1672), pp. 44–49; Larruga, v, pp. 263 ff.: forest ordinances of Segovia; Arch. Ayunt. Cáceres, Docs. tiempo Isabel, nos. 53–55. Alonso, *Recop. y Comentarios . . . de Navarra*, ii, pp. 272, 307, and *Fuero de Navarra* (Pamplona, 1815), pp. 175 ff., give the early Navarrese laws on the subject.

[7] *Biblioteca Venatoria*, ed. José Gutiérrez de la Vega (Madrid, 1877–99, 5 vols.), i, ii.

parts of Castile, and effectively refutes the assumptions that either the sheep industry or the Moorish wars had already devastated the forests by that time.[1] It is highly probable that deforestation did not become widespread throughout Castile until the reign of Ferdinand and Isabella, when, as will be pointed out below, the ravages of the greatly enlarged and royally protected Mesta flocks contributed to the desolation.[2]

The second of the two points regarding pasturage in the charter of 1273, namely the limitation of the size of town ox pastures, shows the sheep owners in a less aggressive attitude than that assumed with reference to their grazing rights in the unclaimed forests and waste lands. It will be recalled that in the vicinity of enclosed fields, whether pastures or cultivated land, the highways of the flocks had a carefully prescribed width of about two hundred and fifty feet.[3] From the beginnings of the Mesta until the close of the Middle Ages the chief occupation of the itinerant entregadores was to maintain that width and to prevent the intrusion of local enclosures, especially ox pastures, upon the cañadas, a purely defensive policy for the protection of the sheep-walks. In fact, there was no change in this attitude, no attempt to take the offensive and to violate enclosures, until the growing strength of the Mesta under the Catholic Kings and Charles V had inspired an increased audacity in its officials. Its opponents, the local agrarian interests, thereupon recalled in the courts the centuries when enclosures had been respected by the herdsmen. Finally, during the eighteenth-century agrarian reforms, which brought about the destruction of the Mesta, the sheep owners were reminded that their ancient recognition of the limited width of cañadas between enclosed town pastures implied that such fields, though commons for the local flocks, were not open to the migrants.[4]

It is evident, therefore, that the charters of 1273 and 1276 established a fundamental precedent regarding the respect of the

[1] A. Cánovas del Castillo, *Historia de la Decadencia de España* (2d ed., Madrid, 1910), p. 43, attributed the deforestation to the wars of the Reconquest; and his opinion has been followed by many others.

[2] See below, pp. 321–322.

[3] See above, pp. 18–19.

[4] *Concordia de 1783*, ii, fols. 300 ff.

Mesta for enclosures which was carefully observed throughout the later Middle Ages. It is true that occasionally a few of the bolder entregadores ventured to assume some degree of authority over the local pastures, and that they sometimes condoned the broadening of the cañadas at the expense of town lands. Such instances occurred, however, only during the periods of corrupt misgovernment of the fifteenth century, and the Cortes promptly reported them to the monarch.

The latter was usually quite ready to take measures against the itinerant judges, not only to secure the good will of the towns, but also to curb the troublesome nobility, who profited from the receipts of entregador condemnations and fines.[1] A further and even more potent check upon illegal extensions of cañadas across enclosures was the fact that all *mojonamientos*, or verifications of boundaries of the sheep-walks, had to be carried on jointly by entregadores and town officials. Furthermore, the only evidence which the entregador was authorized to accept in his hearings on the subject was the testimony of six *omes buenos* or 'good men,' the oldest residents of the town.[2] This practice was strictly observed until the close of the fifteenth century, when the assurance of powerful support from the Catholic Kings encouraged the entregadores to make bold departures.

In the main, then, the entregadores of the fourteenth and fifteenth centuries were not unmindful of local pasturage rights. Occasionally they even rendered decisions against the members of their own organization for trespassing upon local enclosures.[3] Their exceptional opportunities, however, to observe and take advantage of any local laxity in the administration of land laws, frequently tempted them to counsel illegal measures. When they secretly advised the herdsmen to evade the local ordinances

[1] *Cortes*, Burgos, 1315, pet. 32; Valladolid, 1322, pet. 63; Madrid, 1339, pet. 32.

[2] See above, pp. 102–103; *Cortes*, Valladolid, 1351, pet. 44.

[3] Arch. Hist. Nac., Docs. Calatrava, Particulares, nos. 166, 187 (1307, 1309): entregador decisions against Mesta herdsmen who trespassed on enclosed pastures belonging to the Order of Calatrava. The concession giving title to the enclosures was dated 1183 and bore such interesting signatures as "Don Mahomat Aben, Rey de Murcia, vassallo del Rey; Don Aben Monfont, Rey de Niebla, vassallo del Rey."

against trespass by buying up town lands, the Cortes gave sharp warning of the ancient laws of the realm against absentee ownership.[1] Similarly, the entregadores abetted the Mesta's efforts to establish exclusive title to unclaimed waste lands in parts of the public domain remote from populated regions. Such encroachments were soon discerned by the Cortes, however, and were promptly checked, upon petition of the deputies, by royal decrees which declared that such lands were under the sovereign's control and were open to all without restriction or tax.[2]

Perhaps the most convincing evidence that the flocks were not yet allowed to trample unhindered over enclosures and commons, and that the Mesta, even under the protection of one of its most able and aggressive patrons, dared not trespass upon local pastures, is found in the reign of Alfonso XI (1312–50). Two famous decrees had been issued, in 1325 and 1329, forbidding enclosures in the town commons, whether made by towns or by individuals. These lands, it was explained, were for " the benefit of all " and were not to be sold by the towns to private individuals nor were they to be reserved for any save public purposes.[3] Opponents of the Mesta have been inclined to regard the edicts of 1325 and 1329 as the beginning of that organization's long and aggressive campaign against enclosures and settled agricultural and pastoral life.[4] The texts of the decrees would seem to bear this out, since they pointed to the *éxidos* and *heredamientos* (types of waste lands) as being " freely accessible to all." The actual application of the laws to concrete cases, however, revealed that this freedom was only for local peasants and shepherds. Alfonso repeatedly denied to Mesta members any right of access to town commons, pastures, enclosures, or waste lands.[5] He was, in fact, the first monarch to incorporate in the

[1] See Colmeiro, i, p. 286, and *Concordia de 1783*, ii, fol. 109 v, with Cortes references for the year 1293 and after.

[2] *Cortes*, Palencia, 1313, pet. 4; Burgos, 1315, pet. 3.

[3] *Nueva Recop.*, lib. 7, tit. 7, ley 1; confirmed and extended in 1490 (leys 13–14).

[4] *Concordia de 1783*, ii, fol. 112.

[5] Arch. Hist. Nac., Docs. Reales Calatrava, nos. 198 (1331), 219 (1327, 1341), 210 (1342): royal decisions in disputes between the Mesta and various southern pasturage towns. Ulloa, *Privilegios de Cáceres*, pp. 196–198: a similar decision protecting the town lands of Cáceres from Mesta intrusions.

usual royal confirmations of the Mesta privileges a warning that the five *cosas vedadas*, the town enclosures, were to be respected.[1] This able administrator thus confirmed with characteristic vigor and emphasis the traditions regarding the sanctity of enclosures, whether for cultivation or for pasturage, and the impressions of those confirmations seem to have become well fixed in the minds of Mesta officials. It took more than a century for those impressions to wear off and for the sheep owners to feel that they could claim access to the local lands in question.

Save for a few abuses of their powers by entregadores, there are practically no instances during the later reigns of the Middle Ages of any trespasses by the herdsmen upon forbidden local pastures. In fact, the impregnable defence of the latter was strengthened by new concessions of enclosure privileges to loyal towns by Peter as a means of securing much needed support in his war for the Castilian crown against Henry of Trastamara.[2] The troubled times of the fifteenth century brought similar concessions to many towns, together with renewed guarantees that their earlier enclosures were in no way to be violated by the passing flocks.[3] Even the disturbances along the western border, after the disastrous defeat of the Castilian army by the Portuguese at Aljubarrota in 1385, were not enough to upset these firm assurances. The crown decreed that any changes made necessary in the routes of the migrants, as the results of the Portuguese raids, were in no way to cause trespasses upon the town enclosures.[4]

There was, then, a fairly well defined respect for enclosures, on the part of the Mesta, and for cañadas, on the part of the

[1] *Quad. 1731*, pt. 1, p. 53.

[2] Acad. Hist., Mss. 25–1–C 14, fols. 191 ff.: privileges from Peter to Cordova allowing extensive enclosures of public land "to raise funds for the construction of the church" and as a recognition of loyalty. Similar concessions by Peter to Seville are found in Zúñiga, *Annales de Sevilla* (1677), p. 207.

[3] Acad. Hist., Docs. Monast. Suprim., Nra. Sra. de la Vid, no. 194 (1410): concession of a dehesa to this monastery with the privilege of leasing it to the Mesta members if desirable. Arch. Osuna, Docs. Arcos, caj. 3, no. 36 (1427, 1442), and *Cortes*, Madrigal, 1438, pet. 47: reservations and extensions of ox pastures.

[4] *Cortes*, Segovia, 1386, pet. 3.

towns. The limits of each were marked with *mojones* or stone monuments, and the charters of the respective parties clearly defined not only the rights of the recipient, but also the privileges of the others.[1] It is, for this reason, highly improbable that the migratory pastoral industry aggressively dominated the agrarian life of Castile during the later Middle Ages. The enclosures were not seriously threatened.[2] The fact that agriculture did not thrive during that period must be ascribed to other causes than the extravagance of the royal privileges bestowed upon the Mesta. The towns appear, on the whole, to have been well able to take care of themselves, their pastures, and their enclosures, during the first two centuries of the Mesta's existence; but after that period, and with the coming of centralized autocracy, a different state of affairs develops.

Indications of a different attitude on the part of the sheep owners toward their pasturage problem began to appear even before the accession of Ferdinand and Isabella. With the disintegration of all government and the spread of lawlessness during the last decade of the reign of Henry the Impotent, the Mesta evidently felt itself strong enough to throw off its old restraint and to bid defiance to local privileges and ordinances. Its advocates in the Cortes and in court began to argue that since the

[1] González, vi, pp. 118–119: privilege of Badajoz (1277) permitting certain enclosures so long as they did not encroach upon the cañadas. *Cortes*, Medina del Campo, 1318, pet. 14: forbidding trespass by the sheep beyond their cañadas. Brit. Mus., Eg. Ms. 513, pp. 85–86: privilege of Truxillo (1285) guaranteeing its ox pastures against trespass by Mesta flocks. See also the *Ordenanças de Sevilla* (1511), p. 28; Arch. Ayunt. Madrid, sec. 2, leg. 358, nos. 49–59 (1300 ff.): recognition by the Mesta of the absence of cañadas through the jurisdiction of Madrid and of the necessity for special permission for any migration across the commons of its jurisdiction. This permission was given in 1432 after payment of heavy tolls by the sheep owners; it was valid for only four days in the year, and it is interesting to note that at the present time, on certain nights in the migrating season, hundreds of transhumantes pass through the Puerta del Sol in the centre of Madrid.

[2] Most writers have been uniformly inaccurate on this point. Cf. Colmeiro, i, pp. 258–262, 286, who is accepted by Goury du Roslan, Rosseeuw Saint-Hilaire, Mariéjol, and others. All of these usually cautious observers have been surprisingly ready to accept simply the evidence of a few such decrees as those of 1325 and 1329, cited above, without appreciating the frequent discrepancies between the face value of written laws and their actual application and interpretation.

town *dehesas* were *pastos comunes*, ' common pastures,' they must be commons for all comers, *vecinos* or *forasteros*, citizens or strangers. The feeble Henry and his avaricious favorites were eager, for due considerations, to indorse this view with royal edicts,[1] which later proved to be invaluable precedents for the arsenal of the Mesta's attorneys. Other measures were also forthcoming with such ease that they inspired the sheep owners with an entirely new militant spirit in their attitude toward the problem of securing cheap and abundant grazing land, regardless of the interests of agriculture or of sedentary pastoral life. When, for example, pasturage rentals were raised by landlords on account of debasements of currency, the Mesta was authorized by the crown to pay, not merely a lower rate than the new figures, but even a quarter less than its older leases had stipulated.[2] Even these revised rentals were by no means assured to the landowners, for the shepherds took advantage of the prevalent lawlessness and evaded payment on every opportunity.[3] It was certainly evident that a radical change was taking place in the pasturage policy of the Mesta. The old readiness to conform to local enclosure restrictions and to respect the land interests of settled agriculture and non-migratory flocks was rapidly disappearing. A new, and for local agrarian life more ominous era was at hand.

[1] Br. Mus., 1321 k 6, no. 5 (1462).
[2] *Cortes*, Toledo, 1462, pet. 53.
[3] *Ibid.*, pet. 17; Salamanca, 1465, pets. 5, 16.

CHAPTER XVI

THE SUPREMACY OF THE MESTA'S PASTURAGE PRIVILEGES

Agrarian England of the early Tudors compared with agrarian Castile of Ferdinand and Isabella. Pastoral mercantilism. Enclosures in England and in Castile. The pastoral policy of the Catholic Kings. Deforestation. *Posesión* or perpetual leasing of pasturage. Collective bargaining for pasturage by Mesta members. Agriculture *vs.* grazing in the reign of Charles V. Growth of the non-migratory pastoral industry. Repressive measures against agriculture.

THE history of pasturage, of enclosures, and of sheep raising in Tudor England has been so frequently and thoroughly investigated that any intimation of a new point of view on that subject might appear presumptuous. Nevertheless the pastoral history of the corresponding era in Castile, the period of Ferdinand and Isabella and of their sixteenth-century successors, reveals certain striking contrasts with and parallels to England's experience with enclosures and pastures, which suggest a new line of research in English agrarian affairs and point toward hitherto unsolved pastoral problems in the island kingdom.

The English enclosure movement and the similar process in Castile, which we shall examine in this chapter, synchronized to a surprising degree. In each case the episode had its beginnings in a stimulation of the sheep industry in the fourteenth century. That industry was rapidly developed, at the close of the fifteenth century and throughout the sixteenth, because of the mercantilistic ambitions of powerful rulers who had their eyes upon lucrative returns from the trade in wool, a high priced, compact, and easily exportable commodity with a large foreign market. The exploitation of the confiscated monastic lands in England and the acquisition of the great properties of the military orders by the crown in Castile contributed materially to the growth of the pastoral industry in both countries during the middle decades of the sixteenth century. Thereafter, however,

in each of the two kingdoms there is apparent a gradual increase of enclosures, not so much for large scale sheep raising enterprises, as for the small copyholder in the case of England and for sedentary flocks and peasant agriculture in the case of Castile. In each country the high courts — chancery in England and chancillerías in Castile — protected the movement, and in each the motive to enclose the common lands was supplied by a desire to stimulate sedentary sheep raising. The ultimate effect in both was to promote small scale agriculture.[1]

One significant aspect of the whole problem stands out clearly in the case of Castile and suggests an inquiry regarding sheep raising in England. In the peninsula the element which fought against the enclosure movement, and, in fact, successfully obstructed its progress for two centuries, was the large scale migratory pastoral industry. In mediaeval and early Tudor England the anti-enclosure interests were very largely the agricultural classes. This contrast between the two countries suggests the need of further inquiry into the pastoral history of the northern kingdom in order that some further light may be thrown upon the reasons for the comparative scarcity of enclosures in various western, northern, and eastern counties. What was the precise character of sheep raising in, for example, the Cotswold region during the period under discussion? Was it by any chance of a modified migratory type, comparable, on a small scale, with the roving Castilian industry? Sheep migrations were by no means unknown in the British Isles,[2] and the marked parallel between the enclosure movement in the island kingdom and in Castile raises the question as to whether there might not have been some similarity in this regard as well. In any case there is yet to appear a thorough study of the history of the sheep industry in those areas in England where enclosures were least

[1] Harriett Bradley, *The Enclosures in England* (New York, 1918), summarizes the views of earlier and more extensive investigations, notably those by Gay, Leadam, and Miss Leonard. She emphasizes the influence of the desire for fertilizing and resting the soil as perhaps the leading motive for pasturage enclosures, especially during the Tudor and Stuart periods.

[2] Duke of Argyll, *Scotland as it was and as it is* (Edinburgh, 1887, 2 vols.), i, pp. 255 ff.

in evidence. When such a study is made it is quite probable that the experience of the Castilian Mesta may offer useful suggestions for the approach to the problem in Britain. Pastoral England under the mercantilistic early Tudors was to a striking degree similar to pastoral Castile under the Catholic Kings, to which we must now address our attention.

In the presence of the high court or chancillería at Valladolid, late in 1501, a distinguished attorney representing the city of Cáceres[1] made what was for that period a truly surprising observation. With reference to certain decrees issued by Ferdinand and Isabella granting excessive grazing rights to the Mesta, he declared that "such things cannot be called just or honest, since they are not for the public good but for the private interests of a favored few!" The remark came at the close of a scathing denunciation of the royal policy of systematic repression of agriculture and sedentary sheep raising. It was daring beyond anything that had been heard in a Castilian court of justice in many a long year, coming as it did in such times of unquestioned obedience to the determined policies of the newly united monarchy of Ferdinand and Isabella. There must have been the gravest provocation to elicit a statement so dangerously near treason. A careful survey of those policies and of their administration will reveal that there was indeed provocation for the sentiment of the attorney from Cáceres.

As in the case of the judicial and financial affairs of the Mesta, so in matters of pasturage, the accession of Ferdinand and Isabella marked the beginning of a new era in the development of the organization. Theirs was the task of laying new foundations for the agrarian life of Castile. Generations of economic confusion and political turmoil had so exhausted the country that there was dire need for almost any kind of reconstruction. A systematic programme of agricultural promotion, supplemented with plans for a diversifying sedentary pastoral industry and for forest conservation, would by no means have been beyond the capabilities of these enlightened sovereigns. It is true

[1] See below, p. 324.

that geographic obstacles and social prejudices might have deterred somewhat the rapid and uniform advance of agriculture throughout Castile. Nevertheless the agrarian reforms of Charles III in the eighteenth century, achieved in the face of these very obstacles as well as of others which did not exist at the time of the Catholic Kings, inspire justifiable regrets that the newly united monarchy committed the realm so unreservedly to the large scale migratory pastoral industry. It would be difficult indeed to exaggerate the possibilities of such a programme of agricultural development had it been carried out systematically and vigorously during the forty crucial and future-building years of this reign. Most unfortunately for the future of Castile, Ferdinand and Isabella lost no time in displaying that marked partiality toward the pastoral exploitation of their kingdoms which was to be so conspicuous throughout this period.[1] The explanation for this attitude, which was given such emphatic expression in all of their Mesta legislation, was their mercantilistic interest in promoting the source of supply for what had long been Spain's principal and almost only export commodity. It was their persistent devotion to this policy of subordinating agriculture to pasturage which forced later monarchs to confess somewhat sadly that " the exploitation and conservation of the pastoral industry is the principal sustenance of these kingdoms." [2] Every effort was made to extend pasturage, not only in Castile, but in the other parts of the peninsula. Any local attempts to improve agriculture, such as took place in Murcia, and in Granada after the reconquest of that kingdom, were openly forbidden, or else choked off by prohibitive export taxes. These measures soon encouraged the entregadores to leave their beaten paths in the cañadas and to levy profitable fines for violations of the new laws.[3] Nor did such efforts on the part of the itinerant magistrates lack support from the monarchs. In 1489 a broadly worded royal decree was issued, authorizing the correction of cañada boundaries along the lines followed fifty years

[1] Haebler, *Wirtschaftliche Blüte Spaniens*, p. 24; Ansiaux in the *Revue d'économie politique*, June, 1893, p. 528, citing references.

[2] *Nueva Recop.*, lib. 3, tit. 14, ley 1.

[3] Arch. Mesta, A–3, Albacete, 1487 ff.

previous to that date. Armed with this document, the entregadores pushed back the boundary marks of enclosures on both sides of the sheep highways, on the pretext that the townspeople had surreptitiously altered them at some time during the past half century.[1] In some instances the death penalty was threatened by the Mesta justices if the enclosure walls were again altered.[2]

Every possible device of the new government was turned to the task of concentrating the rural energies and resources of Castile upon the sheep industry. Seldom, if ever, has the whole agrarian life of a people been held in so firm a grip or been made to follow so strictly the single-minded purpose of a determined administration. For forty years no measure was overlooked which might contribute to the desired end — a truly astonishing record of paternalism, even in an age of autocracy. The importation of wheat into Castile from Aragon was permitted in order that there should be no inducements to plant on pasture lands. Large tracts of the royal demesne in the Serena region of Estremadura and in the *montes* of Toledo were leased to the Mesta.[3] As soon as the crown had acquired control of the vast estates of the military orders,[4] arrangements were also made for the exploitation of those highly esteemed pasturage regions.[5] The activities of the indefatigable entregadores were soon supplemented by the coöperation of the corregidores, the most useful of royal administrative agents, and of the special judge-inquisitor (*juez pesquisidor*), that favorite device of the new autocracy. These inquisitors were usually royal counsellors of the highest rank, whom Mesta members soon found to be most efficacious in restricting and even breaking down the enclosures of the more important towns, monasteries, and military orders.[6]

[1] *Concordia de 1783*, ii, fol. 303.

[2] Arch. Mesta, A–1, Albertura, 1495; A–1, Azeluche, 1497 ff. It is interesting to note that Morisco peasants were frequently mentioned as the defendants in suits regarding the extension of arable land into the cañadas.

[3] Arch. Simancas, Patronato Real, 1064 (1479); Clemencín, *Elógio*, p. 155.

[4] See above, p. 271.

[5] *Bull. Ord. Milit. Alcant.*, pp. 263, 457.

[6] Arch. Mesta, C–10, Cuenca, 1477 ff.: a series of mandates of such a *juez pesquisidor* after an investigation of the highland pastures above Cuenca, which fed, at that time, nearly 500,000 sheep.

The famous reform Cortes held at Toledo in 1480, instead of insisting upon the curtailment of the Mesta's pasturage privileges, as has been alleged,[1] took precisely the opposite stand. The deputies obediently concurred with the announced policies of the monarchs by commanding the evacuation of all parts of town commons which had been preëmpted by local officials for their personal uses during the recent period of misrule under Henry IV.[2] This measure was soon followed up, not only by more general legislation guaranteeing the rights of the Mesta in the common pastures,[3] but also by making examples of a few of the larger cities which still dared to put on bold fronts against the pastoral policy of the new monarchy. In 1491 the city of Ávila was commanded to nullify its new ordinances which had permitted the sale and enclosure of parts of the local commons.[4] In the same year the spread of agriculture in the recently reconquered parts of the kingdom of Granada was sharply checked by an edict forbidding enclosures unless specially licensed by the crown.[5] Even when royal licenses permitting enclosures were granted, the towns were ordered to rent such enclosed fields for pastoral purposes at least part of the time.[6] The old 'five forbidden things' (*cosas vedadas*) — the orchards, grain fields, vineyards, ox pastures, and mown meadows — were still to be respected by the Mesta; but in each instance evidence must be forthcoming, in case of doubt, that these enclosures were actually being used for the purposes designated. The lack of such evidence would mean the immediate removal of barriers and the admission of the migrant flocks; and the entregadores were ever ready, not only to prove the absence of any justification for the enclosures, but to absolve the herdsmen from any blame or charges, save for actual damage done when their animals trespassed.

[1] Hume, *Spanish People*, p. 276; see above, pp. 210, 273.

[2] *Nueva Recop.*, lib. 7, tit. 7, ley 3.

[3] Ramirez, *Pragmáticas del Reyno*, fols. lxii–lxiii: decrees of 1489 and after, enforcing the measures of 1480.

[4] Ramirez, *op. cit.*, fol. cxlviii; Jordana, *Voces Forestales*, p. 133.

[5] *Nueva Recop.*, lib. 7, tit. 7, leyes 10, 11, 13.

[6] Arch. Ayunt. Cáceres, Docs. Isabel, no. 30: a royal permit of 1488 allowing the leasing of such enclosures.

Among other devices to place more town lands at the disposal of the Mesta herds was the encouragement of the *hoja* system of cultivation.[1] Under this arrangement a section or *hoja* of cultivated land was left fallow each year, and was therefore available for pasturage and fertilization by the passing flocks. Mediaeval Castilian agriculture had never become sufficiently extensive or important to develop an active and methodically administered three-field system. There had, however, been more or less irregular practices regarding the leaving of untilled strips (*entrepanes*), resembling the English balks, between the *panes* or grain fields. Isabella was keenly interested in the pastoral possibilities of these untilled *entrepanes* and the fallow *hojas*, and did much, through instructions to corregidores and various other officials, to encourage these agricultural practices.[2] In a word, the constant purpose was clearly to check any shrinkage of local pasturage which might interfere with the migratory sheep industry.

Even the forestry policy of their Catholic Majesties was shaped toward the same objective.[3] Some of their legislation on this subject at first appeared to be directed toward conservation. It was, however, conservation for the benefit of the flocks, and therefore wofully short-sighted, so far as any assurance of the permanence of the woodlands was concerned. The interest of Isabella in this matter was particularly active.[4] Unfortunately her most important edicts on the subject not only lacked any restrictions on the practice of burning forests to improve pasturage, but they actually stipulated that the welfare of the sheep must be safeguarded, and that herdsmen should be permitted "to cut smaller trees as fodder during the winter, or when pasturage is scarce."[5] In other words, the old Mesta privilege to *ramonear* — 'cut branches' — was fully confirmed and enforced by special royal judges and by the corregidores, in the face of

[1] See above, p. 21. [2] Arch. Mesta, R–1, Rabanos, 1496; B–2, Barco, 1502 ff.

[3] On the relations between migratory sheep and the forests in the Middle Ages, see above, pp. 306–308.

[4] Clemencín, *Elógio*, p. 248: an edict of 1493 regarding the conservation of *montes*.

[5] Ramirez, *op. cit.*, fol. lxii v, 1496; *Nueva Recop.*, lib. 7, tit. 7, ley 7.

certain commendable old town ordinances which seem until that time to have been moderately successful in protecting forests against the flocks.[1]

This reign was indeed the crucial period in the history of Castilian forestry;[2] and the desolation which was wrought in the wooded areas of the kingdom had its beginnings in the uncompromising partiality of Ferdinand and Isabella for the pastoral industry. Other factors doubtless contributed toward the same end, namely, the spread of population, the construction of the American silver fleets and the naval armadas, and various conditions of climate and soil. But undoubtedly the annual havoc wrought by the migrants under the unrestricted patronage of the new autocracy explains very largely the denudation which so impressed the Venetian ambassadors and other observant travelers in the middle decades of the sixteenth century and by no means escaped the alarmed attention of the Castilians themselves.[3] The few dispirited attempts by the Hapsburgs to remedy the situation proved ineffective for two reasons: first, because contradictory privileges annulling any conservation measures were being bestowed upon the Mesta;[4] and secondly, because the administration of the few forestry reforms proposed in such decrees as those of 1518, 1548, and 1567 was left to the now decadent local governments, and was not given any support by the central authorities.[5] It was not until the coming of Charles

[1] Arch. Mesta, T–7, Trujillo, 1504: litigation between that town and the Mesta, in which the royal courts finally upheld the rights of the sheep owners to free access to the woodlands of Trujillo's jurisdiction. C–1, Cáceres, 1508 ff.; S–5, Solano, 1503: similar material regarding wooded areas of western Estremadura.

[2] Cavaillès, "La question forestière en Espagne," in the *Annales de géographie*, 15 July, 1905, pp. 318–331.

[3] Laborde, *Itineraire descriptif de l'Espagne* (Paris, 1826, 6 vols.), v, p. 328, points out the need of bringing lumber from Flanders and woodsmen and carpenters from Italy in 1534 for the construction of artillery. See also the sixteenth-century description of the country in Cánovas del Castillo, *Decadencia de España* (2d ed., Madrid, 1910), p. 43, and in *Libros de Antaño*, viii, pp. 231–352, paragraphs 20, 66, 68, 88, the latter contrasting the dense forests of the north coast with the desolation of Castile. *Cortes*, Valladolid, 1555, pet. 67; Toledo, 1559, pet. 78; *Nueva Recop.*, lib. 7, tit. 7, ley 21.

[4] *Nueva Recop.*, lib. 7, tit. 7, leyes 15–17.

[5] *Docs. Inéds. Hist. Esp.*, xx, p. 552; Cavaillès, *op. cit.*, pp. 319–320; and Arch.

III, in the latter half of the eighteenth century, that any effective measures were undertaken to remedy the desolation which had been inaugurated during the 'golden age' of Castilian greatness.

By far the most pernicious, and unfortunately the most lasting, contribution of Ferdinand and Isabella toward the supremacy of the pastoral industry over agriculture was the law of *posesión*. By this rule a Mesta member was granted the undisturbed permanent tenancy of a given field, either at the rental paid under his earliest lease, or, if his flocks occupied these fields for a season or even for a few months without being discovered by the landowner, for nothing at all. The origins of this extraordinary principle may be found in the earliest extant code for the internal administration of the Mesta, drawn up in 1492 by the distinguished court legist, Malpartida.[1] Among the important clauses of this document was one designed to prevent competition for pasturage among the sheep owners. The scheme proved to be a simple but quite effective arrangement for joint bargaining on the part of the Mesta lessees. It was provided that each of the four quadrillas or sections of the Mesta, having their headquarters in Soria, Segovia, Cuenca, and León, should select annually a procurador or representative. These four officers were to proceed to the chief pasturage regions in Estremadura and Andalusia and there arrange with the landowners the terms and allotments of leases for the coming season. To no member was there to be assigned more land than his flocks actually required, and everything was to be arranged so as to equalize conditions for all the sheep owners. Every precaution was taken especially to prevent that bugbear of mediaeval and early modern economic life, competition.[2] In so widely scattered an industry, joint action by the lessees was possible only through a closely knit centralized organization like the Mesta, firmly supported by the rapidly rising ambitions of the new monarchy.

Ayunt. Soria, Actos y Acuerdos, 1537, 1558, contain communications with reference to the burning of extensive forests by Mesta members.

[1] There was an earlier set of ordinances, drawn up probably in 1379, but this has disappeared. Cf. Bravo, *Noticia sucinta*, p. 15; also above, p. 49. The text of the 1492 code is found in *Concordia de 1783*, i, fols. 184–198.

[2] *Concordia de 1783*, i, fols. 195–196.

This first plan of Malpartida soon led to more emphatic measures, and in January, 1501, the notorious *posesión* edict was promulgated.[1] Originally it was probably intended, as the ordinance of 1492 indicates, to prevent disastrous competition among Mesta members when dealing with the pasturage owners of the southern and western lowlands, by guaranteeing the priority of title to the earliest arrivals of the transhumantes. But it was not long before a very different interpretation was placed upon the rule of posesión. Astute officials of the Mesta resurrected the old decrees of 1347, which vaguely described the Mesta as representing all of the sheep owners of the realm, whether migrant or not. Then they pointed out that the new posesión law was intended " to prevent competition between all Mesta members "; and they were thus able to take into their own hands the disposition of all pasturage leases throughout Castile. Wherever the Mesta members went, even on their migrations into Portugal, Navarre, and Aragon, the guarantees of their privileges, under the law of posesión, went with them.[2] This resulted in some difficulties before those three kingdoms came under the jurisdiction of a unified Spanish monarchy, but no effort was spared by the Catholic Kings and their equally autocratic successors to give every advantage to this much pampered industry.[3]

The pasturage towns promptly took up arms, in behalf of

[1] The literature, both legislative and controversial, on posesión is more profuse than that on any single phase of the Mesta's history. The *Quaderno* or Mesta code of 1731 has no less than 118 citations or separate references to it. See also Cárdenas, *Propiedad territorial en España*, ii, pp. 301–310; Cos-Gayon, in *Revista de España*, ix, pp. 349–351; Caxa de Leruela, *Abundancia de España*, pt. 2, cap. 2; all of these cite many references. The investigations of Campomanes in the eighteenth century were centred for a long time upon this topic: cf. *Expediente de 1771*, pt. 1, fols. 73–93; pt. 2, fols. 47–50, 61–65; and *Concordia de 1783*, i, fols. 38, 42–58, 83–97, 120–127, 255–268, 272–301, 369–381; ii, fols. 4–12, 42–52, 120–131. The chief provisions of the *posesión* decree are contained in *Nueva Recop.*, lib. 3, tit. 14, ley 3, caps. 4, 5.

[2] *Concordia de 1783*, i, fol. 237. See also Alonso, *Recopilación . . . de Navarra*, i, p. 287.

[3] The repeated confirmations and extensions of the posesión edict by Hapsburg sovereigns in the sixteenth and seventeenth centuries are cited in *Concordia de 1783*, i, fols. 88–90.

their landowners, against this astonishing pronouncement, 'the like of which this realm of Castile had never before seen.' If the Mesta chose to restrain its own members by ordinances such as those of 1492, well and good; but the decree of 1501 was now being applied to despoil landowners of their property and to coerce local non-migratory herdsmen into obedience to Mesta laws, with which they had nothing whatever to do. "Such things can not be called just or legal or even honest, since they are not for the public good, but for the private interests of a favored few." [1] In a word, the crux of the whole matter lay not so much in the monopoly intentions of the Mesta, to which the mediaevalism of Castilian economic life did not offer serious protest, as it did in the efforts of these northern intruders to meddle with the pastoral affairs of the southern towns. A test case was immediately begun before the Royal Council by the city of Cáceres; but the monarchs and their councillors acquiesced fully in the pleas of Jorge Mexía and the other Mesta attorneys, that, unless the posesión edict was strictly enforced, the bids (*pujas*) of sheep owners against each other would place them at the mercy of the landowners, with disastrous results to the pastoral industry and to the highly important wool trade.

Thereafter, a few years of strenuous litigation served to satisfy the opponents of the Mesta that the monarchs were determined to support the extravagant contentions of the sheep owners against all southern and western landowners, whether towns, ecclesiastics, military orders, or private individuals.[2] In order to avoid complications with the church, a law of 1499 was renewed, which stipulated that any religious establishment claiming rights, as sheep owner or landowner, under the law of posesión, must first renounce all ecclesiastical immunities and subject itself entirely to Mesta laws before Mesta members would be allowed to deal with it. The newly created office of President of the Mesta, held by the senior member of the Royal Council, proved useful in this as in other matters involving the exploita-

[1] Arch. Mesta, C–1, Cáceres, 1501.

[2] Arch. Mesta, C–2, Calatrava, 1505 ff.: court decisions applying the new pasturage edict to the lands of military orders. On other phases of the regulation of these lands by the crown, see *Bull. Ord. Milit. Alcant.*, pp. 316, 319, 503.

tion of the Mesta by the autocracy. Furthermore, new edicts were soon issued, punishing with heavy fines the speculation in pasturage or the subletting of leases; in fact, no one was to take over any pasturage unless he was actually a sheep owner and proposed to use the land in question for his flocks.[1] These purposes were further confirmed by no less than thirty-eight pasturage clauses in the second code of Mesta ordinances. This document was drawn up in 1511 by the famous councillor, Dr. Palacios Rubios, who was for twelve years (1510–22) the President of the Mesta and the leading expert legal adviser of the Spanish monarchy.[2] Finally, in further evidence of the complete subjection of agriculture to large scale pasturage, the celebrated *Leyes de Toro* were promulgated in 1505. These provided for the perpetuation of large entailed estates (*mayorazgos*), and thereby gave full legal recognition to one of the worst obstacles to the development of arable land in Castile.[3]

All of these measures had their desired effects. They gave extraordinary powers to the sheep owners and the Mesta; they made the pastoral industry unquestionably supreme over all other forms of rural life throughout the realm. The first decades of the sixteenth century saw the Spanish wool trade at the zenith of its activity. Within ten years after the death of Ferdinand, the Mesta had added almost 1,000,000 sheep to its already numerous flocks, so that by 1526 nearly 3,500,000 merinos[4] were availing themselves of the liberal privileges accorded to them by the monarchy. This was the heritage of the agrarian policy of Ferdinand and Isabella. Eminently successful in the accomplishment of its immediate object, it expanded the pastoral industry out of all proportion to the other productive activities of

[1] Arch. Mesta, Prov. i, 42, 44 (1503). The same rule was applied to agriculture in 1507, when peasants were forbidden to lease more land than they could cultivate themselves. Cárdenas, ii, p. 303.

[2] *Concordia de 1783*, i, fols. 198–252; especially fols. 233–239, 240. If any shepherd ventured to disgrace the Mesta by cultivating a part of his pasture, the direst penalties were meted out to the offender (fol. 240).

[3] On the baneful effects of the *Leyes de Toro*, especially their ley xxvii, upon agriculture, see Colmeiro, ii, pp. 137–138, and Ansiaux, *op. cit.*, in *Revue d'économie politique*, June, 1893.

[4] See above, p. 27.

the country, and on a scale which was not to be surpassed elsewhere for three hundred years. With all of these determined plans, however, there were planted the seeds whence sprang that hopeless tangle of economic sophistry which later completely choked off the normal development of the country's rural resources. One of the larger roots of the evil growth which strangled not only the agrarian life of Castile but also the political morale of the country goes back directly to the triumphs of the pastoral policy of Ferdinand and Isabella.

The first indications of unfavorable consequences from this ruthless exploitation of Castilian resources for the benefit of one industry began to appear even before the death of Ferdinand. At the sessions of the Cortes at Burgos, in 1515, there were heard the first discontented murmurings from the agrarian interests, the first signs of a gathering storm which became increasingly ominous as the arrogance and omnipresence of the Mesta and its herdsmen became more and more obnoxious. Particularly distasteful was the zeal of the judge-inquisitors, who were constantly on the alert to check the spread of agriculture, especially when carried on by the despised Moriscos in the south.[1]

The increasing demand for certain agricultural products, notably wine and olive oil, not only for shipment to the newly established American colonies, where the production of such commodities was forbidden, but also for European trade, made the agrarian classes more and more insistent that favorable consideration be given to the extension of arable land. Furthermore, the complaints of the rapid rise in prices, especially those of foodstuffs, were being heard in the debates of the Cortes from 1518 and 1520 onward.[2] These protests against the high cost of living became more insistent after about 1535, when the heavy importations of precious metals from America began in earnest. The effects of the gold and silver from the New World were, however, not appreciated until the middle of the century,[3] and were not generally comprehended for generations.

[1] *Cortes*, Burgos, 1515, pet. 12. [2] Colmeiro, ii, p. 323.

[3] Lopez de Gómara, *Annals of the Emperor Charles V*, ed. R. B. Merriman (Oxford, 1912), p. lii.

To all of the charges that the Mesta was responsible for the high prices, that organization had ready, and, from the point of view of its friends in the Royal Council, very adequate answers. Obviously (said the Mesta representatives) the cost of such prime necessities as meat, shoe leather, and woollen cloth was rising because of the sale of public lands for enclosure and cultivation, and the consequent increase in the rentals of pasturage. Another serious factor was the violation of the Mesta privilege of posesión by the competition between Mesta members and certain local non-member sheep owners, especially the *riberiegos*, whose flocks crossed only the *riberas* or town boundaries and did not make lengthy migrations. The bidding by these troublesome individuals for pasturage which ought to have been reserved for the northern migrants openly violated the privileges of the Mesta, and caused a consequent increase in the prices of pastoral products.[1] The President of the Mesta proved a convenient spokesman for that body before the Council, to which the monarch promptly referred all matters pertaining to the subject.

Charles himself was in a somewhat trying position with reference to the whole pasturage problem. In the first place he proposed, naturally, to exploit the Mesta and its industry as his grandparents had done — which meant unrestricted pasturage. His policy in this direction was encouraged also by the fact that in 1525 he had farmed out to his creditors, the Fuggers, the very valuable pasture lands of the *maestrazgos* or grand masterships of the military orders;[2] and to permit any considerable inroads of cultivation upon these lands might lead to embarrassing queries from his bankers. On the other hand, as his financial necessities had increased, special subsidies or servicios had to be requested from the Cortes. In order to secure these sums he was compelled to grant licenses for the enclosure of public lands to several larger cities whose influence was needed to carry the vote of the subsidies through the Cortes. These towns, incidentally, were already noting a fundamental truth in

[1] *Cortes*, Madrid, 1528, pets. 61, 132.

[2] Haebler, *Die Geschichte der Fugger'schen Handlung in Spanien*, p. 75.

agrarian economy, which, most unfortunately for Castile, was not to be fully appreciated until two disastrous centuries had elapsed. The fact was that arable and pastoral life could very well be combined, and that the two were by no means hostile and mutually exclusive.[1] After all, the best pasturage which the Mesta flocks could find anywhere was not the open and unkempt waste lands, nor the perennially denuded leased pastures, but the stubble straw, the vine leaves left after the grape harvest, and the fertile balks and fallow strips between cultivated patches.[2]

Charles was not long, however, in making his decision, for his plans and ambitions were not of the type that could wait patiently upon the development of a whole new industry. He must have funds at once, and one of the most exploitable resources available in his Spanish realms was the long established and now most flourishing pastoral industry, which was at just that time more prosperous than it had ever been before, or indeed was ever to be again. Hence the energy with which the Emperor followed up the policy so vigorously prosecuted by Ferdinand and Isabella. Forest conservation and arable land were both to be subordinated to the interests of pasturage.

With reference to forestry we have already observed the indifferent and even hostile measures taken by Charles.[3] The claims of agriculture were given even less consideration. In 1525 it was decreed that all pasture lands brought under tillage during the first eight years of the Emperor's reign should be turned back to their original state and placed at the disposal of the sheep owners;[4] and in 1552 a similar edict was issued, but indicating a twelve-year period.[5] These were the first of a long series of similar enactments which punctuate the two centuries of the Hapsburg regime. In each the time limit was made longer, as the situation became more and more desperate for the Mesta in its struggle against the encroachments of settled agriculture.

[1] Arch. Mesta, C–10, Cuenca, 1543: a lengthy suit between the Mesta and the town of Cuenca, which was itself a stronghold of that body, regarding the extension of arable into what had once been much frequented upland pasturage.

[2] See above, pp. 304, 320.

[3] See above, p. 321.

[4] *Nueva Recop.*, lib. 7, tit. 7, ley 22.

[5] Arch. Mesta, Prov. i, 53.

The sheep owners' arrangements to facilitate collective bargaining for pasturage were materially assisted by their itinerant attorneys and agents and by the royal corregidores and special judge-inquisitors, who were given strict orders to stamp out the dreaded *puja* or competitive bidding.[1] The crown gave further aid by annulling any town ordinances which attempted to forbid this form of collective procedure by the pasturage lessees.[2] As a part of this same policy to suppress competition, the measures taken by the Catholic Kings against speculation in pasture lands, as well as their edicts against sub-lessees and middlemen, were confirmed and made more comprehensive. The operations of such middlemen, it was alleged, were not only unnecessary but pernicious, and were bound to increase the price of pasturage by the fees charged, as well as to demoralize the industry by the speculative factor thus injected into the negotiations:[3] views which have been strikingly persistent even down to the present day.

The reigns of the Catholic Kings and of the great Emperor brought the Mesta to the height of its prestige in the agrarian affairs of Castile. The wishes of the sheep owners coincided with the mercantilistic ambitions of those rulers, and were therefore promptly gratified by royal edicts, vigorously enforced by ubiquitous crown officials. Any opposition to the herdsmen, whether by proponents of enclosures or by landlords who wished to stimulate competitive bidding for pasturage leases, was met with sharp and decisive punishment. The Mesta was to be favored with the warm friendship of later sovereigns, but it was never again to enjoy such powerful protection as that given it, during the eighty years from 1476 to 1556, by Ferdinand, Isabella, and Charles. When the latter forsook the glamour and the cares of empire for the monastic quiet of Yuste, he left the Mesta in complete control of the rural life of Castile. It

[1] Arch. Mesta, Prov. i, 27 (1528); ibid., A–5, Aldea el Rey, 1551; and B–1, Badajoz, 1556.

[2] Ibid., B–1, Baeza, 1532.

[3] Arch. Hist. Nac., Consejo Real Exped., leg. 48: provision of 19 November, 1566, confirming one of 25 May, 1552; Arch. Mesta, Prov. i, 43, 45, 46 (1538, 1551); ibid., Cuentas, February, 1544; *Novísima Recop.*, lib. 7, tit. 25, ley 6.

is true that angry and occasionally effective protests were already being made against that organization, but the herdsmen were still in a position to enforce their extravagant pasturage claims, to invade the forests, and to check the development of agriculture and of sedentary sheep raising.

CHAPTER XVII

THE COLLAPSE OF THE MESTA'S PASTURAGE PRIVILEGES

Pasturage legislation of Philip II. Decrees of 1566, 1580, and 1582. Futile agrarian programme. The chancillerías defend agriculture and enclosures. Opposition of royal creditors and others to the privileges of the Mesta. Exploitation of the lands of the Military Orders. Extravagant pretensions of the decree of 1633. Spread of enclosures during the seventeenth century. Mesta propaganda against agriculture. Collapse of ancient pasturage privileges in the eighteenth century. Culmination of the enclosure movement.

A CURSORY glance at the agrarian legislation of Philip II reveals at first no essential difference between the position of the Mesta under the second Hapsburg and that which it held during the reign of Charles V. Philip followed in his father's footsteps, with more or less exaggerated confirmations of his predecessor's pastoral enactments. He arrayed all the cumbersome and antiquated paraphernalia of his one-man government to defend the Mesta and its pasturage against the spread of arable enclosures. The views of practically all students of this period of Spanish agrarian history [1] have been based upon the texts of such sweeping pro-Mesta edicts as those of 1566, 1580, and 1582. These decrees respectively indorsed the Mesta members' pasturage rights as against all non-migratory sheep owners,[2] restored to pasturage all land newly tilled since 1560,[3] and appointed royal commissioners to fix pasturage prices.[4] If these documents be taken at their face value, then it must be agreed that the Mesta had indeed gone steadily onward to greater triumphs, and was at this time more than ever the despotic ruler of rural Castile. When we come, however, to examine the actual administration

[1] See Haebler, *Wirtschaftliche Blüte Spaniens*, p. 24, n. 2, whose views have been accepted by Ansiaux, Goury du Roslan, and others.

[2] *Concordia de 1783*, i, fol. 88.

[3] *Nueva Recop.*, lib. 7, tit. 7, ley 23.

[4] Arch. Ayunt. Cuenca, leg. 9, no. 9 (1582).

and enforcement of these and many similar laws of the period of Philip II, a very different, and from the Mesta's point of view far less comforting situation is revealed.

The first signs of successful resistance of the peasantry to the onward march of the Mesta flocks occurred some years before the retirement of Charles and the accession of Philip. As in the case of the resistance to the entregadores, the chancillerías, or high courts of appeal, proved to be the safe refuge for the farmers and the towns. The first decisions modifying and finally reversing the mandates of the itinerant magistrates regarding the rights of pasturage against arable land occur in 1539–40.[1] Thereafter, as in the case of the fight against the visitations of entregadores, the towns soon learned to protect their interests by appealing to the increasing hostility of the chancillerías toward the Mesta's protector, the Royal Council.[2] Then, too, the Castilian towns gradually learned to follow the ancient example of the Aragonese *comunidades*, and formed combinations of their grievances and resources. Thus they were able to fight out with marked success their litigations against the pretensions and mediaevalism of the Mesta. During the last decades of the sixteenth century there was scarcely a suit fought out in the higher courts between the Mesta and its opponents in which the latter did not combine against the common enemy.[3] In the courts, in the national legislature,[4] and in local meetings the towns registered their protests against the Mesta and the antiquated nomad life and depopulated countryside for which it stood. The edict of 1580, which ordered the destruction of all cultivation that had taken place

[1] Arch. Mesta, C–2, Calzada, 1539; M–7, Murcia, 1540. In both cases the Mesta had attempted to secure a foothold in town enclosures.

[2] See above, p. 123.

[3] A few examples will illustrate these tactics. Arch. Mesta, A–8, Arenal, 1592: twenty-five townspeople successfully defend their rights to cultivate certain parts of the local commons; A–8, Arguedona, 1593: twenty-two do the same; A–8, Arjona, 1594: thirty-six from various towns are sustained by the chancillería in their claims to enclosures; A–9, Azuaga, 1594: the same for ninety-six *vecinos* of this town; A–2, Ajamil, 1596: eleven towns combine to fight a suit against the Mesta regarding enclosure.

[4] *Cortes de Castilla*, iv, pp. 428–429 (Madrid, 1573, pet. 9): protests against the damages done to agriculture by pasturage and hunting privileges.

during the previous twenty years, was not by any means ignored. It was answered with a joint petition indorsed by the town councils of twenty-one municipalities of Estremadura and Andalusia, including Plasencia, Mérida, Cáceres, Seville, Cordova, Granada, and many others.[1] The petitioners asked for the revocation of the edicts of 1552 and 1580. They entered upon an ardent defence of agriculture and a vehement denunciation of the pastoral industry as the cause of all the woes of the realm, the high prices, the deforestation and the depopulation. Especial emphasis was given to the perennial argument, that the pasturage privileges of the Mesta involved the violation of the ancient liberties of the cities and towns to use their land as they chose.

The nobility, as well as the towns, were beginning to take issue with the Mesta on the same question. The Duke of Béjar, whose estates at that time comprised the largest single group of private holdings in Castile, carried on a regular campaign among the leading titled landowners, whose interests were obviously centred in the fact that any interference with competition among pasturage lessees, such as that by the law of posesión, materially cut down the returns from their estates.[2] Finally, as the result of this pressure, the President of the Mesta was induced to instruct the entregadores that no more suits regarding violations of posesión or the extension of arable holdings were to be brought against various grandees.[3] The Fuggers were also concerned over the inroads which the collective bargaining of Mesta lessees, through posesión, was making in the yield from the pastures of the maestrazgos. The Mesta temporarily calmed the anxieties of the bankers in 1559 by paying nearly 12,000,000 maravedis, as advance rental for the desirable Calatrava pasturage.[4] The financial necessities of Philip, like those of his father, made necessary further concessions in favor of the steadily rising agrarian opposition to the sheep owners. The latter were made to bear in-

[1] Paris Bib. Nat., Res. Oa 198 ter, no. 33.

[2] Arch. Simancas, Diversos Castilla, no. 1845 (*ca.* 1566).

[3] Arch. Osuna, Mss. Benavente, caj. 5, no. 13 (1589).

[4] As in most of its important transactions of this sort, the Mesta secured the funds for this loan at the fair of Medina del Campo, probably on security in the shape of receipts for stored wool. Arch. Mesta, C–2, Calatrava, 1559 ff.

creasing proportions of the heavy burdens of taxation which mounted higher each year. Philip's straitened circumstances during and after the decade 1560–70, already noted elsewhere,[1] made necessary the *alcabala de yerbas* or impost upon pasturage rentals, to which the Mesta objected strenuously, but, for the most part, with little effect.[2]

The various royal officials were no longer successful in helping the Mesta to enforce the anti-enclosure edicts. The towns had openly refused to countenance the jurisdiction of the scores of special royal inquisitors and pasturage investigators, and by the middle of the reign trust in their aid had been abandoned. The corregidores were openly partial to local interests, as they had been in the case of town taxes on the Mesta, and for the same reasons.[3] There was a further explanation of this in the fact that enclosures of town commons were frequently used as a means of raising the funds for the salary of the corregidor, and the interest of the latter in the success and extension of such enclosures was therefore obvious.[4]

It is quite clear, then, that although according to the statutes of the realm the Mesta was in absolute command of the agrarian situation, the actual circumstances were very different indeed. Royal licenses to cultivate and enclose were being handed out on every pretext: to raise funds for the equipment of the Armada,[5] to pay the new *millones* tax,[6] to cover the salaries of other officials in addition to the corregidor, or " to lessen the area of untilled land and thus to destroy the refuges of wolves and foxes." [7] It was merely a question of time until the Mesta's cherished privilege of posesión should begin to lose its magic. By 1566 the local non-Mesta sheep owners were claiming the right to enjoy posesión,[8] thus effectually obstructing the establishment of perpetual occupancy of local pasturage by the Mesta. Even the gild of the *carreteros*, or teamsters, which had been organized along

[1] See above, pp. 285–286.
[2] Arch. Mesta, C–2, Cáceres, 1558 ff.
[3] See above, p. 230.
[4] Arch. Mesta, A–2, Agreda, 1562.
[5] Ibid., C–9, Coronil, 1588.
[6] Ibid., A–8, Armallones, 1592.
[7] Ibid., C–3, Carrete Real, 1585.
[8] Arch. Hist. Nac., Consejo Exec., leg. 48, 19 November, 1566.

national lines after the manner of the Mesta by Ferdinand and Isabella, was now granted special pasturage privileges, including the right to enclose parts of town commons for the purpose of cultivating fodder.[1]

The Mesta fought, at first confidently, but before long frantically, against the steadily rising tide of opposition, using all of the once powerful advantages at its disposal. By means of heavy loans to the crown during the crucial decades before the Armada, the Mesta was able to secure leases, in successive four-year periods, of the extensive pastures in León and Estremadura. These lands, which had once belonged to the military Order of Alcántara, were now held by the crown; the rental paid by the Mesta — nearly 85,000,000 maravedis for each four-year period — was enough to hold off Philip's Genoese bankers and also pay part of the heavy costs of the naval preparations previous to Lepanto and the sailing of the Armada.[2] It will be recalled that in 1568 the title to the appointment and income of the entregadores was acquired by the Mesta. This was followed immediately by a marked speeding up of the campaigns of these itinerant justices against local enclosures. Offending peasants were sought out all over Castile, and for a time the accounts of the Mesta show comfortable credit items each year under the heading "condemnations for cultivation."[3] Much of the prosperity of the Mesta's treasury during the succeeding decades was due to the regular returns from this source.

There can be no doubt that to a considerable extent — just how far, there is unfortunately no means of finding out — the Mesta continued the traditions established during the first decades of the sixteenth century and retarded agriculture by all the means

[1] Arch. Mesta, Prov. iii, 40 (1552–99); *Nov. Recop.*, lib. 7, tit. 28, leyes 1–6. See above, pp. 22–23.

[2] Arch. Mesta, A–4, Alcántara, 1561 ff.: an itemized account of the dealings between the Mesta, the king, and the latter's Genoese bankers. Toward the close of Philip's reign an arrangement was made by which the Mesta paid a rental of 20,000 maravedis a year for every 1000 sheep pastured on these lands. Ibid., Prov. i, 90 (1599).

[3] For example, the manuscript Accounts of the organization in the course of the 1580's give the Mesta's share (one-third) of such condemnations at over a million maravedis a year.

within its once considerable power. For a time it was still moderately effective in this endeavor, especially against the smaller and more remotely situated private and public landholders — the peasants and the isolated villages. The increasing volume of denunciation which was being hurled at the Mesta by its opponents and critics, and the unrestricted character of its royal concessions, have given rise to the supposition that the havoc wrought by that organization was at its worst during the reign of Philip II. As a matter of fact, the evidence seems to show that the real reason for the complaints against the sheep owners was not oppression on their part, but expansion, both actual and prospective, on the part of the local agricultural interests. The latter represented, broadly speaking, the movement to enclose common lands for local pastoral as well as arable activities. Redress against the decisions of the entregadores was now available for the townsmen in the chancillerías, which had opened a way for retribution to all opponents of the Mesta. During and after the last decade of Philip's reign the scores of decisions rendered each year on enclosure charges, brought by the Mesta's attorneys, were almost uniformly in favor of the defendants, who were rapidly learning to pool their interests and the costs of their litigations. Furthermore, the financial distress of the crown gave to the Mesta's opponents quite as much of an advantage as it did to that organization, and, as indicated, the towns frequently capitalized this opportunity.

At least as early as 1575 agriculture was undoubtedly beginning to suffer from the distress which was later to turn to ruin.[1] But in the combination of causes which contributed toward this, the Mesta was not first, nor even among the first. It cannot, of course, be absolved entirely, for the migratory flocks contributed their share of the devastation. Other causes were, however, far more potent: emigration to America and to the cities, excessive taxation, and the spread of *mayorazgos* (a form of large scale landholding by the nobility). Probably the chief cause of agricultural

[1] Cf. Ansiaux, *op. cit.*, in *Revue d'économie politique*, June, 1893, p. 562; Raymond Bona, *Le problème mercantiliste en Espagne au XVII^e siècle* (Bordeaux, 1911), p. 60.

decline was the persistence of the very enclosures for which the towns had fought so stubbornly: ox pastures, local swine fields, and grazing meadows for non-migratory sheep, all of which were preserved by antiquated ordinances and cherished mediaeval town charters.[1] The pastoral industry played its part in this dismal process of agrarian decay, but it was the sedentary branch of it, rather than the Mesta. The organization of migrating herdsmen was fast losing its effectiveness; its power and prestige had most certainly been broken for all time a generation before the end of the sixteenth century.

The depressing annals of Spain's economic decadence in the seventeenth century contain few episodes more dreary than the seemingly interminable struggle of the Mesta to regain its lost standing and to enforce some of its ancient claims to the pasture lands of the south and west. A succession of extravagant confirmations of its mediaeval charters was issued by the last three feeble Hapsburgs (1598–1700); but the sweeping terms of these decrees, especially the notorious one of 1633, in no way represented the actual status of the Mesta with reference to its pasturage problem, any more than they reflected the impotence of its itinerant judiciary.

During this despairing period the crown and its officials proved to be constant friends of the Mesta, but unfortunately nearly useless and very costly ones. Throughout the reign of Philip III (1598–1621) the Mesta was advancing 63,000,000 maravedis a year to the royal exchequer as a rental for the lands of the military orders.[2] For this sorely needed contribution the king could afford to be gracious, to renew old charters, and to elaborate new ones granting special permissions for the further devastation of forests, with privileges to trim branches for fodder "in every dry season."[3]

[1] These and other causes for agricultural decay during the generation previous to 1618 are clearly stated in Lope de Deça, *Govierno polytico de Agricultura* (Madrid, 1618), and in Sancho de Moncada, *Restauración política de España* (Madrid, 1619). See also the anonymous *Discurso acerca de las . . . causas de la despoblación* (Madrid, 1842), which presents contemporary views of the same period.

[2] Paris Bib. Nat., Mss. Esp. 359, fol. 24.

[3] Arch. Mesta, Provs. ii, 26, 39; iii, 4 (1639, 1655 ff.).

In this connection, it may be said that it appears not unlikely that the Mesta used its influence with the monarchs to secure the expulsion of the Moriscos in 1609. The records of its litigations against individual enclosers of pasturage for arable purposes show, during the last years of the reign of Philip II, a surprisingly large number of Morisco defendants. Although a considerable part of the Moriscos were peddlers, traders, and mendicants, by far the greater number were peasant agriculturists. Their expulsion, though explicable and even defensible on some grounds, was nevertheless unquestionably one of the severest losses ever known in Spanish agrarian history.

The President of the Mesta proved to be one of its most helpful defenders in this trying period. He secured aid from the Royal Council against speculation in pasturage and to prevent enclosures. He was even able, on one or two occasions, to bring the dreaded power of the Inquisition to the defence of the sheep owners, since he was also connected with that high ecclesiastical court.[1] The Royal Council issued edicts which were designed to aid the Mesta in its difficulties, but were so grotesque in their terms that they were time and again laughed out of the high courts of the realm. Three of these edicts might be mentioned as illustrations: that of 1604, which declared that all cultivated enclosures not twenty years old were to be thrown open to the Mesta flocks; that of 1658, which inaugurated the practice of granting the Mesta a moratorium on its pasturage rentals for six or more months;[2] and that of 1690, which fixed all pasturage prices at the figures prevalent in 1633.[3] These are but three of the many examples which might be cited to illustrate the futility of effort to legislate into existence agrarian conditions favorable to the Mesta.[4] To accept such pronouncements at their face value, or to assume that they represented the real power of the Mesta, would be even more seriously misleading than has been the acceptance of similar documents of the reign of Philip II. By 1570 or 1580 there was an obvious discrepancy between the prestige

[1] Arch. Mesta, A–9, Antillo, 1614 ff.; Paris Bib. Nat., Res. Oa 198 ter, no. 33.

[2] Arch. Mesta, Prov. ii, 50.

[3] Ibid., Prov. i, 99 (1604); Arch. Ayunt. Burgos, Ms. no. 1059 (1680).

[4] Cf. *Nueva Recop.*, lib. 3, tit. 14.

ascribed to the Mesta by various royal decrees and the actual strength of that body. By 1640 or 1650 this contrariety between written laws and actual fact was no longer simply obvious; it had become ludicrous.

A prolonged campaign of propaganda in defence of the Mesta's hopeless claims to pasturage privileges had been carried on at the royal court,[1] in the halls of the Cortes, and throughout the kingdom. The agitation was being carried on, not only publicly by means of such widely discussed defences of the Mesta as that written by the former entregador, Caxa de Leruela,[2] but also less conspicuously through such devices as lavish distributions of alms in towns whose Cortes deputies showed signs of being hostile.[3] Olivarez, the approachable minister of Philip IV, was consulted in 1631, and finally, with his powerful backing, the most notorious of all the Mesta's royal charters of privileges was promulgated in March, 1633.[4]

This edict of 1633 marked the theoretical zenith of the Mesta's pasturage privileges. By it, the organization was given full jurisdiction over the entire pastoral industry. Local, non-migratory sheep owners were subject to the fines and other molestations of officials of the Mesta, but without the enjoyment of any of its privileges. The old rule of posesión, which had been rapidly becoming a dead letter, was renewed. All land turned from pasture to arable during the period 1590–1633 was to be reconverted to pasturage at once. Royal commissioners were appointed to keep records of the existing agrarian situation, to prevent all extensions of enclosures, and to require royal licenses for any cultivation. But in spite of all these elaborate precautions, this decree of 1633, like the others that had gone before or were to come after, proved futile, chiefly because the Cortes soon saw to it that the local justices were given a large measure of control over its enforcement.[5] The Mesta had ostentatiously voted to confer the title of

[1] There is a lengthy memorial presented to the crown in 1619 in the Bib. Nac. Madrid, Ms. no. 2350. Other references are given in the *Concordia de 1783*, i, fol. 266.

[2] *La Abundancia de España* (Naples, 1631; Madrid, 1632).

[3] See above, p. 289.

[4] *Nueva Recop.*, lib. 7, tit. 7, ley 27.

[5] Arch. Mesta, Prov. ii, 17 (1639).

'El Grande' upon Philip, but this in no way checked the denunciation and ridicule which were directed at his "preposterous affront to the agricultural and pastoral rights of the towns." [1]

The towns were quite able to take care of themselves, so far as they wished to be taken care of, which, most unfortunately for the economic advancement of Castile, was not far. Nothing that the Mesta and its royal charters did, or could do, had any serious effect, either favorable or otherwise, upon the agrarian situation. In the course of the first generation of this century, in spite of its being the 'century of decadence,' there were hopeful evidences of an increased agricultural activity in various parts of the realm. The requests of the impoverished crown for new votes of the *millones* subsidy from the Cortes were met with demands for more licenses not simply to enclose, but to cultivate pasturage.[2] These permissions were granted, and as a further guarantee to the towns against molestation, the entregadores were forbidden to hear cases involving enclosures of vineyards. They were soon ordered to refrain from hearing cases involving any question of enclosure or cultivation.[3] The Mesta protested with solemnity against the "immorality" of wine-growing. It warned the crown of the rapid disappearance of royal revenues from the wool trade.[4] The sovereign, however, was more interested in the Cortes' votes of the *millones* subsidies than in the desirability of temperance or in a waning income from wool tariffs. His Majesty's Council was quite ready to comply with the request of its senior member, the President of the Mesta, and to issue broadly worded *pragmáticas* 'protecting' the pasturage of the Mesta.

[1] Arch. Hist. Nac., Consejo Expedientes, leg. 48, 1633: a denunciation of this edict by the Duke of Béjar on behalf of the cities and towns of Estremadura.

[2] Arch. Hist. Nac., Consejo Exped., leg. 48, 1627: a discussion by Antonio del Río of the marked increase in agriculture as a result of the *millones* concessions favoring enclosures in 1609 and after.

[3] *Nueva Recop.*, lib. 3, tit. 14, ley ult., cap. 12; Arch. Mesta, A–6, Almazan, 1636. See also the very rare volume by Collantes y Avellaneda, *Commentariorum pragmaticae in favorem rei frumentariae libri tres* (Madrid, 1614), upon the spread of agriculture as the result of these *millones* concessions of 1601 and 1604.

[4] Arch. Mesta, A–9, Ávila, 1657; Bib. Nac. Madrid, Ms. no. 2350 (1619): a memorial to the crown complaining of the widespread extension of enclosures and the disastrous effects of the *millones* concessions.

Nevertheless the constituents of the Cortes deputies also must be satisfied with enclosure licenses and limitations upon pasturage for migratory flocks. The outcome was a steady succession of contradictory edicts, licenses, and privileges, the real value of which was entirely dependent upon the ability of the recipients to protect their interests and enforce their concessions.

It should not be presumed that the enclosures mentioned were invariably for agricultural purposes, though a considerable portion of them were intended for vineyards. The rise of the migratory pastoral industry in the course of the sixteenth century had been viewed with undisguised envy by the non-migratory local sheep owners. The success of the pastoral legislation of the Catholic Kings and the Emperor Charles had fired the ambitions of sedentary herdsmen; as soon as the closing decades of Philip II's reign brought increased confidence to the towns in their conflict with the Mesta, the non-migratory *riberiegos* and *estantes* became more conspicuous. Claims were entered in the Cortes in behalf of the sedentary flocks; the Fuggers were leasing large wooded areas of crown lands to them [1] and the havoc of deforestation was thus given a new impetus. In Baeza (near Cordova) alone, there were some 78,000 *estantes* in 1639, the greater part of the number having come during the previous five years; and other Andalusian and Estremaduran towns were similarly interested in the industry.[2] In view of this development of the non-migratory pastoral activities, it is not surprising that the Mesta made every effort to bring the *riberiegos* and other local herdsmen under its control. Some of the provisions of the pragmáticas of 1609 and 1633 were intended to accomplish this, but proved quite ineffective.

The Mesta was further distressed by the Portuguese wars of 1640–41, which badly disrupted its operations by driving the migrants from their accustomed cañadas and pastures. What few vestiges of respect for the fiction of posesión were still remaining

[1] Acad. Hist., Salazar Mss., X–1, fols. 16 and 352 ff.: a memorial on the pasturage situation in part of Estremadura in 1602. On the relations between the crown and the Fuggers, see above, p. 282.

[2] Arch. Mesta, B–1, Baeza, 1639: data presented in court by local authorities.

in the pasturage regions seem to have been wiped out during the confusion and readjustments of this period.[1] The now practically impotent entregadores [2] were busy for two decades making futile efforts to secure rights of way and pasturage for the flocks and to protect the shepherds from arrest for trespassing on the enclosures of every wayside town.[3]

The reign of the last and most incompetent of the Hapsburgs brought no respite for the Mesta. Far from being an era of complete triumph for the migratory pastoral industry, as it has been represented by some economists, the period of Charles II was a time of impotence and mockery for the ancient gild of sheep owners. To say that "4,000,000 Mesta sheep" migrated as "undisputed masters over the desolate plains of Castile" [4] implies a condition of aggressive vigor and of predominance over the agrarian situation on the part of that organization which was very far from the actual state of affairs. As a matter of fact, its flocks seldom exceeded 2,000,000 at any time during the last half of the seventeenth century, and usually fell far below that number.[5] Furthermore, each year from 1685 onward its account books showed a condition of imminent bankruptcy. The extravagant but ineffective pragmática of 1633 was renewed by the edict of 1680,[6] which also undertook to restore the pasturage prices of the earlier decree.[7] It is significant, however, that the terms of the decree of 1680 were not generally announced for some years, because of the hopelessness of the situation. Even the critics and opponents of the decrepit Mesta began to pity it.[8]

It was quite true that by the end of the seventeenth century agriculture had given way to sheep raising all over Castile; but it was the sedentary pastoral industry, which was in no way what-

[1] *Expediente de 1771*, pt. 2, fol. 65.

[2] *Nueva Recop.*, lib. 3, tit. 14, ley 4, restricted their jurisdiction over enclosures.

[3] Arch. Mesta, Prov. ii, 261 (1641 ff.).

[4] Ansiaux in the *Revue d'économie politique*, December, 1893. Similar opinions are expressed by Colmeiro, ii, p. 168; Weiss, *op. cit.*, ii, p. 102; Cos-Gayon, in *Revista de España*, x, pp. 5–39.

[5] Arch. Mesta, Cuentas, 1685 ff.

[6] Arch. Hist. Nac., Consejo Exped., leg. 48, 1680.

[7] Arch. Ayunt. Burgos, Ms. no. 1059.

[8] *Concordia de 1783*, i, fol. 269.

ever connected with the Mesta. Instead of being regulated and controlled by the monarchy, through a highly centralized body, the wool growing industry absorbed the attentions and energy of every Castilian peasant. It was now allowed to run riot throughout the land and to annihilate almost the last vestiges of agriculture that still remained. The wool trade, which had previously been handled to the satisfaction of buyers and sellers alike, through the efficient Mesta agencies at Medina del Campo, Burgos, and Bilbao, fell into confusion, and the individual sheep owners were easily exploited by foreign buyers.

After 1700 the economic and military disturbances incident to the war of the Spanish Succession brought a renewal of the Mesta's pleas which had first been heard in the Portuguese war of 1640–41. There were plaintive requests for new guarantees of pasturage privileges, for grants of public lands "to recoup the national industry," and for protection against local officials, who were emboldened by war conditions and were harassing the herdsmen with fines for trespassing. The new Bourbon monarchy, accustomed to the French mercantilism of Louis XIV and his great premier, Colbert, promptly indorsed the petitions of an organization which had once been so valuable an associate of absolute monarchs. Posesión was renewed, and pasturage rentals were put back to the figures of 1692,[1] with the privilege of paying in instalments during periods of drought.[2] Furthermore, the judicial body known as the *Sala de Mil y Quinientas*, which was closely connected with the Royal Council and was therefore friendly to the Mesta, became the court of final appeal for pasturage disputes.[3] Finally, as a means of securing that administrative concentration so dear to the Bourbon heart, and of checking the dangerous forces of separatism, the Mesta was in 1726 given full right to exercise all of its privileges, including posesión, in Aragon. It was especially encouraged to incorporate in its organization the migratory pastoral industry of such Aragonese

[1] Joaquín Costa, *Colectivismo Agrario*, p. 481.

[2] Arch. Mesta, Prov. ii, 7 (1753); iv, 19 (1753).

[3] See above, p. 129. Brieva, *Colección*, p. 68; Escolano de Arrieta, *Práctica del Consejo Real*, ii, p. 116: decree of 1748.

towns as Albarracín, Daroca, and Teruel.[1] This was part of the general plan for centralization which had begun with the suppression of the uprising in Aragon and the extinction of its Cortes.[2] The first two Bourbons were clearly intent upon taking a leaf from the agrarian policy of the sixteenth-century autocrats, and to that end they lost no opportunity to exploit the Mesta politically as well as economically.[3] But the autocratic aspirations of such well intentioned though not brilliant administrators as Philip V and Ferdinand VI were far from adequate for the great task of rehabilitating the ancient prestige of the graziers. The rural life of the whole of Spain was being radically transformed, and even the genius of a Colbert could not have turned back the tide.

The country was in fact experiencing an agrarian awakening which was strikingly like that occurring contemporaneously in England. There the spread of the new industrialism gave strength to the copyholder's plea that the substitution of small scale farming for large scale grazing was the only solution of the country's food problem. So too in Castile, the population was growing steadily under the fostering care of Bourbon mercantilism, and the demands for arable land became more and more insistent.[4] The older field or *hoja* systems, and particularly the antiquated pasturage regulations, were impatiently brushed aside.[5] Royal licenses permitting enclosures of commons for cultivation were acquired on all sides. In one investigation covering the period

[1] Arch. Mesta, A–3, Albarracín, 1726. The way had been prepared for this by a decree of Charles II, issued in 1693, giving the Mesta the right to enforce some of its laws in Aragon.

[2] The Spanish Cortes session of 1724 was the first to include the entire kingdom, except Navarre, which had its own legislature until after the Napoleonic wars.

[3] Several of the privileges mentioned were conferred only after payments of forced loans by the Mesta members. Cf. Arch. Mesta, Prov. iv, 9; *Concordia de 1783*, i, fol. 84; and Brieva, *Colección*, pp. 69, 71–72.

[4] Rudolf Leonhard, *Agrarpolitik und Agrarreform in Spanien unter Carl III.* (Munich, 1909), p. 258.

[5] A good example of this trend from pasturage to arable during the first third of this century is found in the *Ordenanzas de Burgos* (Madrid, 1747), pp. 149 ff. A very fair and comprehensive statement of this change is also found in the famous *Memorial ajustado sobre los daños . . . la Agricultura* (Madrid, 1784), pp. 144 ff.

from 1712 to about 1750, it was found by the dejected officials of the Mesta that 173 towns in Castile alone had secured such permits and had actually made use of them.[1] With such widespread inroads upon its pasturage, the final period of the Mesta's existence seemed at hand, and the coming of Charles III to the Spanish throne in 1759 hastened the end.

We have already noted the valuable experience which that monarch had had in his Neapolitan realm in dealing with the problems of a migratory pastoral industry.[2] Within a year after his accession it became evident that he proposed to use all the powers of his enlightened despotism to settle this question of the ancient hostility between Castilian herdsmen and husbandmen. It also became clear at once that the settlement was not to take the shape of a rehabilitated Mesta. After a preliminary adjustment of certain pasturage quarrels between the migratory and the sedentary flocks in Estremadura,[3] the vital question of what was to be done with the Mesta was taken up. In 1761 the Royal Council began the work of agrarian reform by voting that municipalities had in every case the right to dispose of their own commons.[4] This brought forth an immediate protest from the Mesta, and the struggle was on. Charles himself then took a hand and authorized successively two exhaustive investigations of the pastoral problem. The results of the first inquiry appeared in 1771. Those of the second, which was conducted by Charles's famous prime minister, Campomanes, senior member of the Royal Council and therefore President of the Mesta from April, 1779, were published in two bulky volumes in 1783.[5] These were intended not as arraignments of the Mesta, but as presentations of all the known facts regarding its past and present methods and its effects upon agriculture. The hearings were fair and were

[1] Arch. Mesta, Prov. iv, 6, 1742 ff. The investigation did not take up those places "where land was not actually cultivated and kept enclosed for several years." Most of the 173 towns were in the southern and western pasturage areas.

[2] See above, pp. 132, 293.

[3] Brieva, *Colección*, p. 110.

[4] Cos-Gayon, in *Revista de España*, x, p. 8.

[5] See below, p. 414. The Library of the Hispanic Society of America has several broadsides of instructions issued by Charles III to town officials, requiring the presentation of evidence for these investigations.

conducted with that rare insight into the fundamentals of the problem which has marked Campomanes as one of the most distinguished of European economists. It is to be hoped, indeed, that justice may soon be done to the great Spaniard, and that he may be given his proper ranking very close to the exalted position of his distinguished contemporary, Adam Smith, with whom he had much in common.

The results of these proceedings were inevitable: posesión was abolished in 1786; the artificial determination of pasturage prices upon the basis of older rates was made illegal; and the office of alcalde entregador, which had been so constantly useful in the campaigns of the Mesta in the defense of its pasturage privileges, was extinguished.[1] Thus with a series of sharp and accurate blows the battered shell of the Mesta's empty pretensions of mastery over agrarian Castile was brought down in ruins.

During the last decades of the Mesta's long history, only reminiscent echoes were heard of the past conflicts over pasturage. The regular oscillations of Spanish political leadership from spasmodic reactionary monarchism to radical parliamentarism inevitably affected the affairs of the Mesta. In such periods of attempted autocracy as the reigns of Charles IV and Ferdinand VII, the hopes of some of the old clique of sheep owners rose high, and the old methods were revived. For example, in 1793, a subsidy of 1,000,000 reales was voted to Charles IV out of the Mesta's treasury " for the urgent needs of the French war." [2] Similar subsidies, though of smaller amounts, were voted to Ferdinand VII, notably one in 1815, when he presided in person over the Mesta and later presented to it a portrait of himself as a memorial of the occasion.[3] The royal concessions which were naturally called for by these subsidies demonstrate clearly the hopeless stagnation of Spanish agrarian conditions. It would seem that nothing had been accomplished, no permanent advance made for the past two hundred years. Everything that

[1] See above, p. 134.

[2] Arch. Mesta, *Expediente formado sobre la cobranza* (imp. Madrid, 1817).

[3] This portrait, a full length, life size representation, now hangs in the assembly room in the Madrid house of the Asociación General de Ganaderos, where the meeting of 1815 took place.

Charles III and Campomanes had patiently striven for and achieved seemed swept aside by such edicts as those of 1796, 1814, and 1824. These laws revived parts of the notorious pragmática of 1633 and gave the President of the Mesta and his assistants (*subdelegados*) the right to regulate all extensions of arable land. A decree promulgated in 1799 granted extensive *moratoria* to migrant herdsmen for the settlement of pasturage accounts, while those of 1804 and 1814 fixed pasturage rentals upon the basis of those paid in 1652 and 1692.[1]

Once more it is necessary, however, to recall the now familiar distinction between the written laws and their actual application, for these documents of 1796–1824 by no means reflected the actual situation. Like many of their predecessors of the seventeenth and eighteenth centuries, they were simply the effusions of vain and incompetent autocrats, who were doubtless flattered by the confidence of the Mesta officials and found some empty comfort in the resounding phrases of these decrees regarding the reëstablishment of the old regime.

The propaganda for bettered agrarian conditions, which had been so ably begun in the educational campaign of Campomanes, was renewed with vigor and equal ability by Melchor de Jovellanos. This brilliant theorist kept alive the interests of the people in the agrarian question, notably by his great classic, the *Informe sobre la Ley agraria*, first published in the *Memorias* of the Sociedad Económica de Madrid in 1795. This and later publications of the same society enunciated for the first time in Spain the idea of a system of liberated agrarian development, unrestricted by all the ancient trappings of mediaeval gild regulations and antiquated privileges. If the migratory pastoral industry was economically sound, Jovellanos declared that it would survive without such obsolete and artificial support. If it must have its ancient paraphernalia in order to survive, then the country could not afford to be encumbered by it.

When the first rays of parliamentary liberalism shone forth from the sessions of the Cortes at Cadiz in 1812, it became evident that the educational labors of Campomanes and Jovellanos had

[1] Brieva, *Colección*, pp. 266, 295, 321, 338, 446; *Nov. Recop.*, lib. 7, tit. 25, ley 13.

not been in vain. In 1813 the right to enclose town commons was for the first time recognized in the law of the land.[1] The debates of the delegates indicated clearly that as soon as constitutional government became a permanent fixture in Spanish politics, the Mesta and its privileges would be entirely swept aside. Finally, there came the last desperate efforts of the reactionaries, with the encouragement and armed support offered to them in 1823–24 by France at the behest of the Holy Alliance. Exhausted Spain then turned in desperation toward liberalism. The reforms of 1834 and 1836 restored most of the liberties asserted by the revolutionary Cadiz Cortes of 1812, and among these measures were several which effectively and finally liberated the pastoral industry from the utterly useless incubus of the Mesta. On the 31st of January, 1836, the use of that name was forbidden, and in the following May the Asociación General de Ganaderos del Reino, comprising all the stock owners of the kingdom, was established and was given general charge of all pastoral industries.[2] This trade association, for such it is in fact, is now maintained in a flourishing condition through contributions from its members and from the government. It devotes its energies to the prosecution of scientific investigations of problems connected with cattle and sheep raising, to the dissemination of the results of these studies throughout the land, to the stamping out of stock diseases and animal pests, and to the introduction of better breeding and stock raising methods.[3]

The transhumantes have by no means disappeared as the result of this legislation. In fact, after declining during the middle decades of the nineteenth century to about half a million, their number began to increase in the course of the economic reawakening of Spain after 1890, so that by 1910 they totalled about 1,500,000 out of the 14,000,000 sheep of Spain. Most of these no longer follow their old cañadas, which have largely been enclosed.[4]

[1] Colmeiro, ii, p. 100, n. 1; Altamira, *Propiedad Comunal*, p. 261.

[2] *Colección de Leyes . . . de Agricultura, 1833–1866* (Madrid, 1866), pp. 69–71.

[3] An interesting feature of the policies of the Asociación is its refusal to participate in any way in the heavily capitalized industry of raising fighting bulls for the national sport.

[4] The Asociación de Ganaderos published in 1855–58 a series of *Informes* indicating such cañadas and other highways as were open for the use of sheep.

Instead they use special types of small three-decked railway cars with a capacity of about a hundred sheep each. These are operated during the ancient semiannual periods of migration over lines that follow, in many instances, the routes of the abandoned cañadas.[1] The Mesta, with its imposing hosts of migrating thousands, its tyrannous pasturage rights, its entregadores, and its mediaeval privileges, has disappeared. But the merino sheep which it developed and gave to the world has gone forth and enriched the pastoral industry of every continent. Today in their native Castile the merino flocks number nearly five-fold what they were in the greatest days of the Mesta.

[1] See the excellent map of these railway routes and of the present distribution of the industry by André Fribourg in *Annales de géographie*, 15 May, 1910, plate xiv b.

CONCLUSION

THE history of the Mesta is not merely a chronicle illustrating the perennial and universal struggle between agricultural and pastoral interests. The institution had a marked effect upon the social and economic organization of the Spanish people, and even upon the physical aspect of the peninsula. Its six centuries of activity in the agrarian life of Castile aggravated the depressing problems of deforestation, rural depopulation, and agricultural stagnation. There is even reason to believe that the Mesta was a party to such unfortunate economic blunders as the expulsions of the Jews and the Moriscos. The fiscal and agricultural activities of these two classes had long been annoying and at times injurious to the sheep owners. In fact, the connection between the Mesta and the loss of valuable taxpayers was the first aspect of the migratory sheep industry that attracted the attention of Campomanes, the eighteenth-century reformer, who gave the Mesta its death blow. That great mercantilist promptly pointed to the depopulation of rural Castile as the most serious charge to be brought against the devastating sheep migrations. Furthermore, the political history of Spain would have been very different had there been no Mesta to yield large revenues and administrative power to ambitious kings. The social and economic development of Castile would have been along other lines had the class distinctions between migratory herdsmen and sedentary husbandmen not been so sharply accentuated, and had the pastoral policy of such strong monarchs as Ferdinand and Isabella not been so triumphantly successful.

With all due regard for the influence of the Mesta during the first three centuries of its history, we must avoid the dangerous pitfall into which many recent investigators have fallen, namely the assumption that the earlier triumphs of the organization went on in an ascending scale during the seventeenth century. It is true that the disastrous effects of those triumphs — deforestation, depopulation, agrarian decay — were destined to continue

for centuries. Nevertheless, so far as the Mesta itself is concerned, it must be remembered that the various unrestricted and sweeping indorsements of it which were issued by the decadent Hapsburg monarchs from 1598 to 1700 in no way indicated its actual status. No more precarious evidence could be cited to prove the continued prestige of the Mesta than the grandiose terms of a royal edict of the seventeenth century. In fact, the significance of the migratory sheep industry was on the wane a generation before the death of Philip II in 1598. From about 1560 onward the activities of the Mesta were less and less important in the agrarian history of Castile.

A notable feature of the Mesta was its influence upon that fundamental characteristic of Spanish civilization, *regionalismo* or separatism. This was far more than provincialism; it meant, in brief, the persistent devotion of each of the many geographic or racial sections of the peninsula to the defence of its ancient privileges and of the charters awarded to it for loyal services in the Moorish and other wars. An occasional corrective was brought to bear against this force of separatism by certain far-sighted monarchs, notably Alfonso XI, whose efforts were directed toward centralizing the life of the nation, both politically and economically.

In such a conflict the position and importance of an organization like the Mesta were obvious. The opposition of the towns to the migratory sheep owners was inevitable, not so much for agrarian reasons, since Castilian agriculture was not vigorously developed until the last decades of the Middle Ages, as for political and social ones. The Mesta flocks were intruders, violators of the sacred heritage of that independence from outside interference which had been enshrined in all town charters since the Reconquest. From the very beginnings of the Mesta, within a decade after the last Moorish strongholds in southern Castile had fallen in the triumphant crusade of 1212–62, the migratory sheep owners became the favored wards and ultimately the valued allies — both political and financial — of the monarchy.

The annals of the Mesta represent more than a recital of the exploitation of the pastoral industry by strong kings, and the un-

hampered taxation of the flocks by grasping local officials during the reigns of the weak ones. The policies of Alfonso XI, the Catholic Kings, and the early Hapsburgs demonstrated that the strength of the central government necessarily played an important part in the destinies of so centralized a body as the Mesta. Nevertheless the development of that organization was also dependent upon less obvious and more fundamental circumstances than the greatness or weakness of certain monarchs.

In the very beginnings of settled society among the refugee Christians in northern Spain, after the first torrent of the Moorish invasions had subsided, the migratory shepherds were cautiously making their way southward each autumn from their highland homes toward the plains of the central plateau, and even into the lands of the Moors. These wanderers were met by suspicious and watchful officers of the border towns, and were turned back by prohibitive penalties, or restrained by fines, which gradually became standardized as fixed tolls. The theoretical authority for these collections was in each case the local charter which emanated from the warrior sovereigns, the source of all power, the symbol of law and order in the land; but the actual sanction of such collections was, of course, the very real power of the frontier towns and their self-assertive officers. These early taxes are of special interest because they represent a pre-feudal impost on movable property. Their existence may, therefore, be regarded as an effective refutation of the view, commonly maintained, that feudal land taxes preceded any imposts on non-real property. In fact, feudalism and its institutions were never conspicuous in Castile, and the fiscal history of the migratory sheep industry in that kingdom is consequently significant as evidence that taxes on movables often came long before, and not necessarily as an aftermath of, the assessments on lands under the feudal regime.

The wars of the Reconquest had brought about important changes in the migratory pastoral industry, because the expulsion of the Moors from large tracts of desirable winter grass lands gave the migratory flocks new opportunities for the extension of their movements. These new southern pastures were cleared of

the enemy by the middle of the thirteenth century, and became a part of the now extensive realms of the Castilian monarchs. The next natural step was to reform and systematize the rapidly developing fiscal relations between the flocks and the towns, on the one hand, and the flocks and the crown, on the other. This led to the regulation and codification of the local and royal sheep taxes, and to the formation by the sheep owners of a mutual protective league called the Mesta.

The contributions of Alfonso X, first patron of the Mesta, toward the solution of these pastoral problems were, like his famous code, the *Partidas* (*ca.* 1256–65), lacking in immediate enforcement. For two generations the work of the Scholar King bore no tangible fruits, but it was none the less important. The principles which he laid down as the pastoral policy of the Castilian monarchy were the ones which governed the efforts of his more successful descendants. Chief among his contributions were the creation of the protective association called the 'Honorable Assembly of the Mesta of Shepherds,' the standardization of local sheep tolls by decrees issued in 1253 and after, and the collection of the royal *servicio de ganados*, or tax on live-stock.

The patronage of Alfonso XI and his able successors during the fourteenth and early fifteenth centuries — notably Henry II, Henry III, and the regent Ferdinand — gave the Mesta a prestige and vigor which enabled it, during the years of weaker reigns, to cope successfully with the towns, nobles, and other decentralizing forces. The compensation exacted from the sheep owners by the crown for this patronage was the servicio y montazgo, a combination of the older royal sheep servicio or subsidy of Alfonso X with certain local montazgos or tolls.

The period of civil disorders during the greater part of the fifteenth century made the royal charters of the Mesta practically useless as protective devices. In general, however, the Mesta was more and more able to fight its own battles; and even the occasions when it was exploited by unscrupulous court favorites gave evidence of the potentialities of its resources, and consequently increased its value in the eyes of the central government. Any institution which could yield such attractive

revenues in years of disorder and corruption certainly deserved to be fostered and protected in times of peace.

These more or less troubled centuries of the later Middle Ages gave the Mesta ample opportunities to develop its strength and importance. The disturbances during the contentious times of Sancho IV, Henry of Trastamara, and Henry IV, hampered the operations of the entregadores in some regions. Nevertheless the Mesta, with its closely knit and increasingly powerful organization, was able to compensate itself by taking advantage of the isolation and helplessness of many rural districts, and to extend the system of its mobile judiciary into hitherto unpenetrated regions.

Later, when order had been established under the strong monarchy of the Catholic Kings, those astute monarchs soon showed their appreciation of the rare advantage of controlling the leading industry in their largest kingdom. They promptly amplified the codes of the Mesta with new pastoral and fiscal regulations designed to carry the influence of the crown throughout all rural districts. This purpose was furthered by the entregadores, whose activities had been gradually extended into every corner of the realm, thanks largely to the confusion and weakness of the local judiciary.[1]

The vague and sweeping guarantees of the mediaeval Mesta charters had never been literally enforced, because they were directly contradicted by equally grandiose local exemptions. Under the powerful patronage of Ferdinand and Isabella, however, these broadly worded charters were revived and applied with unstinted vigor. Thus they became most helpful instruments for the aggrandizement of the Mesta and for the satisfaction of the ambitions of the monarchy. They contributed materially to the strength of Hapsburg absolutism and to the discontent of the towns, which was manifested in the uprising of the comuneros. It was no mere coincidence that the greatest

[1] Illustrations of the lack of any stable local judiciary may be found in the *Fuero Viejo*, lib. i, tit. 5, and in the *Ordenamiento de Alcalá*, tit. 29, concerning *desafiamientos* and the administration of justice by nobles and other individuals. See also the *Crónica de Alonso XI*, cap. 189 (1335), and the *Nueva Recop.*, lib. 8, tit. 8, on the confusion arising from this practice of 'every one being his own judge.'

triumphs of the sheep owners' gild should synchronize with the golden age of the Spanish empire under Charles V and Philip II. The prestige of both crown and Mesta was dependent upon the supremacy of the same powers of centralization.

Similarly the collapse of the Mesta was inevitable with the decline of the monarchy, which had begun before the end of the sixteenth century. As the decadent house of Austria crumbled away, the Cortes and the chancillerías — the assembly and the courts of the people — came forward as the defenders of the town interests, of sedentary sheep raising, and of decentralization. They stood for the ancient Spanish separatism and for the prerogatives of the local officials, as opposed to the vanishing autocracy of the Hapsburgs and of the Mesta. Indeed, this particular victory for separatism was perhaps but one more contribution toward the general decay of the country during this period, another example of the old Spanish infirmity of ' regionalism ', which had so often defeated the well intentioned purposes of able monarchs in times past. That devotion to local interests certainly inspired most of the hostility to the Mesta, which saw the bright days of its supremacy fade with the waning of Hapsburg absolutism.

Had the Castilian towns protected their common lands by powerful organizations, such as the four ancient Aragonese *comunidades* or town leagues, the aid of Cortes and chancillerías would probably not have been necessary to overcome the powers of the Mesta and its magistrates.

It must be carefully borne in mind, however, that the defence with which the Spanish cities were so deeply concerned was not primarily of their agrarian welfare and of their pasture lands as such, but rather of their highly cherished independence from outside interference. The entregador represented to them not simply the efforts of a hostile pastoral industry to trespass upon their fields, ruin their agriculture, and dominate sedentary sheep raising. He was, first and foremost, an intruding official who typified the ambitions of a strange non-local organization. This was the irritating fact which finally roused the Castilian towns to a belated union under the leadership of the city of Badajoz in the eighteenth century for the defence of their violated independence. The Mesta

and its corps of attorneys, dignitaries, and itinerant judges were offensive primarily as *forasteros* (strangers), and only secondarily as representatives of devastating flocks and herds.

From the first, then, the Mesta was what may be called a national institution, because of the widespread activities and interests of its members. Its charters and privileges are suggestive of the mediaeval merchant gilds, but its association with the central government and the ubiquity of its operations and membership differentiate its status from that of the gilds. In one important respect, however, the Mesta resembled the gilds: it was the spokesman and controller of its particular industry. As an organization it did not participate directly in that industry; it owned no sheep or pasturage and sold no wool; it was purely a protective association guarding and facilitating the transaction of business by the sheep owners. In this capacity it rendered indispensable services, which gave the migratory pastoral industry its supremacy in Castile and established the ultimate preëminence of the Spanish merino sheep over all other breeds. The 'Honorable Assembly of the Mesta', so long the ally and supporter of autocracy, was, by a curious anomaly, overthrown by autocracy itself in the shape of the enlightened despotism of Charles III and Campomanes. Its history illustrates many phases of the civilization of Spain, and enables us, as the chronicler Morales observed during the great days of the Mesta under Philip II, the better to understand that country, "if it be possible to understand her."

APPENDICES

APPENDIX A

Ordinances of the Town Mesta[1] of Úbeda,[2] 1376

Arch. Mesta, G–1, Granada, 1533

En el nombre de Dios, amen.

Nos, el Concejo de la noble cibdad de Ubeda, por quanto en los tiempos pasados antes que en esta cibdad entrasen los moros, los nuestros vezinos sennores e pastores de ganados desta cibdad e de su termino avian unas cartas e por donde usavan, e avian hordenamientos para hazer mesta de los ganados en cada un anno doz vezes para poner entre ellos sus alcaldes para lo juzgar e librar de los pleytos contiendos, para demandas e querellas que avian sobre los dichos ganados et sobre la guarda dellos.

Et por que a la sazon questa cibdad fue entrada de los moros, como dicho es, se perdieron las dichas cartas e hordenamientos que ansy avian, por lo qual agora los nuestros vezinos que an los dichos ganados nos pidieron merced que les ynobasemos e mandasemos dar una carta de licencia e abtoridad, por donde usasen e pudiesen usar sobre lo que dicho es segund uso e costumbre que antes avian en tiempos pasados.

Por ende, nos, el dicho concejo, por hazer bien e merced a vos, los nuestros vezinos de los lugares de nuestro termino, que agora son del o seran de aqui adelante, que obierdes de cinquenta reses de ganado arriba, conocemos e otorgamos que vos damos poder libre e licencia e abtoridad suficiente para que pongades e podides poner omes buenos de entre vosotros que les entendieredes que vos cumpla por vuestros alcaldes, para que vos juzguen todos los pleytos, demandas, contyendas, e querellas que entre vos e entre qualesquier de vos obieren sobre los ganados dellos segund el uso e costumbre que aviades en los tiempos pasados e en la manera que aqui dyra.

Primeramente, que los dichos vuestros alcaldes que pusieredes, que vos apremien e pueden apremiar e mandar que todos los sennores de los dichos ganados o los vuestros rabadanes, que vengades a la mesta doz vezes cada anno, la una por el domingo primero de las ochavas de pasquas de cinquesma, e la otra dia de San Miguel del mes de Setienbre.

[1] On the origins and organization of the local mestas, of which this is an example, see above, pp. 9–14.

[2] The centre of an important pasturage region in the upper Guadalquivir valley, about sixty miles north of Granada. While under the domination of the Moors (711–1212) the town was noted for its wool, olive oil, and textiles.

Que seades llamados para venyr a las dichas mestas por pregon que sea hecha por las plazas desta dicha cibdad quinze dias antes de cada uno de los dichos plazos; e que cada uno de vos los dichos vuestros rabadanes que vengades e seades tenido a venyr a las dichas mestas e a cada una dellas e traher e hazer traher los ganados mestennos que tubieredes en vuestras cabannas; e que hagades juramento en mano de los dichos alcaldes sobre sennal de cruz e por los santos evangelios, que no tenedes ny encobrides mas ganado mestenno en vuestras cabannas, ni en vuestro poder, ni en poder de otro alguno que por vos lo tengan mas de lo que truxieredes o hizieredes traher. E el que asy no viniere a las dichas mestas o no truxiere el dicho ganado mestenno que tuviere, que peche en pena al cabildo que fuere de la dicha mesta cinco carneros con el pan e vino que antes se solia pagar; e mas, que le no den sy algun ganado fallaren suyo en la dicha mesta, ni cosa alguna suyo, hasta que trayga lo que asy tubiere en su poder mestenno, como dicho es. E el que hizo el dicho juramento, peche mas en pena el ganado que ansy fuere fallido, que encubrio, doblado. E qualquier sennor o rabadan que conociere algun ganado en las dichas mestas e diciese que es suyo o de su cabanna, que haga primeramente juramento en mano de los dichos alcaldes que dize verdad que es suyo e de su cabanna; e hecha ansy la dicha jura, que tome el dicho ganado que conociere por juro, e los dichos alcaldes gelo hagan dar. E si el dicho juramento no fiziere, que le non den nynguna cosa dello, hasta que lo haga. E sy acaesciere que los homes de vosotros çontendiesen sobre algund ganado, diziendo cada uno dellos sea suyo, que lo aya el que mejor e por mas testigos averiguare que es suyo. E si la prueua que traxere fuere ygual, que lo libren los dichos alcaldes como mejor entendieren.

Otrosy, que qualquier sennor o pastor o rabadan que trassennalare ganado para sy o para otro, peche en pena al dicho vuestro cabildo por cada vez que lo hiziere diez carneros, con el pan e vino que dicho es; e peche el ganado que ansy trassennalo con el doblo a aquel cuyo hera. E peche mas las novenas a palacio (?) como de fuero; e que demas que los dichos alcaldes que lo denuncien que hagan saber a los nuestros alcaldes para que cobre el alguazil e haga cobrar las dichas novenas, e hagan del que esto ansy hiziere lo que deuen de derecho.

E otrosy, los ganados mestenos que no fueren hallados sus duennos, que los alcaldes que los hagan guardar donde entendieren que hera mejor guardado a costa dellos, hasta en quatro mestas, que son por dos annos; e sy en este tiempo no fueren hallados cuyas son, que los homes buenos del dicho cabildo que lo den por el amor de Dios donde en-

tendieren, que mas cumple con los aprovechamientos dello, sacado la costa.

Otrosy, que todos los sennores, rabadanes e pastores que fueredes de los dichos ganados, que cada uno de vos que seades tenidos de venyr a los enplazamientos e llamamientos cada que fuedes enplazados o llamados por los dichos alcaldes, o por la parte que dellos a, sobre que lo dicho es, para que antellos respondades e hagades derecho. E sy lo ansy no fyzieredes e fuere acusada la rebeldia ante los dichos alcaldes por tres plazos, que los dichos alcaldes que pasen contra vos e contra vuestros bienes en aquella manera que se contyene en los hordenamientos de las Cortes de Alcala [1348], que hablan en esta rrazon. E que vayan por ella adelante e den sobre ello sentencia en que la lleuen luego a execucion; e que los dichos alcaldes ayan por el derecho de encerramiento dos maravedis, e que ayan por su derecho de la sentencia de cinquenta maravedis arriba quatro maravedis, e que ayan mas por su salario un queso de cada un cabana[1] segun lo avian los quatros alcaldes que fueron de las dichas mestas.

E sy por aventura alguna de las partes se agraviaren de las sentencias que los dichos alcaldes dieren, que puedan apelar desde el dia que fuere dada la sentencia en su presencia, e no siendo presente, syendo citado e llamado por alla oyr hasta el tercero dia para ante el dicho vuestro cabildo [2] que vea el pleyto e la sentencia e conozean del por apelacion e libren lo que ha de hazer por fuero e por derecho. E la sentencia e [las] sentencias que asy fueren dado, que finquen y sean firmes, e los dichos alcaldes que las cunplan e les ven a execucion; e si hasta el dicho tercero dia no fuere apelada la sentencia como dicho es de los dichos alcaldes, que finque e por firme e valedera pasada en cosa juzgada, que se cunple e llegue a execucion; e desto vos mandamos dar esta nuestra carta firmada de algunos de los nuestros oficiales e sellado con nuestro sello de cera colorada. Fecha a dos dias de enero, era de mill e quatrocientos y catorze [1376 A.D.].

(There follow the signatures of thirteen officials of the *concejo* or town meeting of Úbeda. Two confirmatory indorsements commanding obedience to the above are added, one signed by the *oydores* of the royal *audiencia* at Valladolid, 25 December, 1379 A.D., and the other signed by King Henry III at the Cortes of Madrid, 15 December, 1393 A.D.)

[1] For other instances of the assessment of sheep taxes and fees in the form of cheese, see above, p. 144.

[2] An instance of the use of a term which was to become more common in the overseas colonies than in the mother country.

APPENDIX B

Extracts from the Ordinances of the Town Mesta of Granada, 15 March, 1520

Arch. Mesta, G–1, Granada, 1533

The essential features of the rules governing the local organization of the shepherds and sheep owners of Granada for the purpose of sorting out strays and disposing of ownerless animals were similar to those of the Úbeda ordinances of 1376, which are given above. Both sets of laws were adopted by the local authorities, were confirmed by the royal courts and by the crown; both made compulsory the attendance of all stock owners at the semiannual mestas or meetings to segregate strays (*mesteños*); both required the branding of all animals, and fixed penalties for altering brands and for failure to present at the mesta any animals bearing strange brands. The following excerpts from the Granada ordinances of 1520 present certain additional details which illustrate the administration of a typical local mesta of the sixteenth century.

. . . . . .

Otrosy, que todos los dichos señores de ganado desta cibdad e sus villas e aldeas, que junten el primero domingo de setyenbre en cada un año en esta cibdad, e por ante el escribano nonbren quatro personas, e dellas eliga el cabildo desta cibdad dos personas para la dicha mesta, los quales se presenten en el cabildo e ayuntamiento de esta cibdad e hagan alli el juramento e solenidad que para ellos estuviere hordenado que deuan hazer. E estos sean los alcaldes de la dicha mesta por tienpo de dos años; e que nonbren para ello de las personas mas abiles e suficientes; que les pareciere cada uno cabeça de hato; e que no ayan sido alcalde en el año de antes.

Yten, que los dichos alcaldes que ansy fuesen nonbrados o qualesquier dellos por sy pueden conocer de todos los pleytos que ovieren entre los dichos señores de ganado e rabadanes e pastores sobre ello contenido en estas dichas hordenanzas sobre las penas en que obieren yncurrido haziendo alguna cosa contralo en ellas contenydas. E puedan executar estas hordenanzas agora sea de pedimiento de parte o haziendo de su oficio.

Otrosy hordenamos e mandamos que qualquier señor de ganado o pastor obiere contyenda con otro sobre ganado o dependiente dello,

que la demande ante los alcaldes de la mesta a quien pertenece al conocimiento dello. E sy ante otro juez enplazare o demandare que pague de pena seys cientos maravedis.

Otrosy hordenamos e mandamos que todos los señores de hatos e rabadanes de ovejas, cabras o vacas sean tenudos de parecer el postrero dia de pasqua de navidad, el dia de los ynocentes, de cada año ante los alcaldes de la mesta; e que en aquel dia señalen las cabañas e se den espacio e largas donde se haga y asyenten cada una. E por quentar las diferencias que puede aver algunas vezes sobre el dicho señalamiento, hordenamos e mandamos que sy dos o mas personas quisieren cabeça de hato señalaren en el mysmo lugar, que el que oviere casa o tierra suya en aquel lugar que de que los otros vayan a otra parte. E sy touieren todos casas o tierras o no la tovieren los unos ny los otros señalando todos, aquel dia o despues en un tienpo que echen suertes entre ellos, e aquel que cupiere la suerte que aquel quede alli. . . .

Otrosy hordenamos que qualquier que touiere arriba de myll e quinientos ovejas paridas puede señalar dos cauañas jurando el señor del ganado o el rabadan que las tyene. E sy touiere mas, que no puede señalar mas de dos cabañas fasta que todos los otros ayan señalado y esten proueydos.

Yten hordenamos que todo el tienpo que estouiere la cabaña asentada le guarden su repasto hasta en fin del mes de mayo e ocho dias mas . . . fasta mediado el mes de junio, so pena de seys cientos maravedis.

Otrosy hordenamos que nyngun señor de ganado ny su rabadan ny pastor no sean osados de coger ni sonsacar (?) pastor alguno que otro tenga en su hato en todo el año, salvo que todo el mes de mayo que lo pueda acoger syn pena alguna, e no antes ny despues so pena de seys cientos maravedis. Pero que si el tal pastor estoviere cogido con su amo para adelante e le tuvieren dada fazia (fianza ?) de estar con el, e si su amo se concertare con el antes que salga de su casa, que en qualquier de estos casos sea obligado de quedar con su amo e por ello no yncurra pena alguna.

Otrosy que nyngun señor de ganado ni pastor ni rabadan sea osado de acoger ni sonsacar pastor que esta con otro e le tenga hecha finzia (fianza ?) o avenida soldada con el, so pena de seys cientos maravedis; e que el pastor que estando cogido o tubiere hecha fiazia o avenida soldada se quitare dello e no lo cunpliere, yncurra en pena de seys cientos maravedis; e mas que no gane soldada a pastoria en esta cibdad ny n su tierra en todo aquel año.

Otrosy que qualquier pastor que diere finzia (fianza ?) de estar con su amo o con otro persona como dicho es que sy no ygualare soldada con el que esta con el e que el tal señor pague su soldada a rrespeto e como estubo el amo pasado; e que aquello se le de e pague salvo sy a los dichos alcaldes paresciere que se le deve dar mas.

Otrosy por quanto muchas vezes acahece que muchos hazen daño e lo hechen a otro; por ende hordenamos que qualquier pastor que hiziere daño lo hagan saber a su dueño hasta el tercero dia; e que su amo sepa cuyo es el pan o otra cosa en que se hizo el daño; e contente al dueño, por que no emplaze a otro nynguno por el dicho danno, so pena de trecientos maravedis. Sy alguno hiziere dapno e lo negare afirmando que no lo hizo, e le fuere probado, que yncurrara en pena de seys cientos maravedis, e demas pague al pastor que le fue hechado el daño por mas cercado, todo el daño que le vyno por esta causa doblado; e que savido por el amo de qualquier pastor el daño que hizo, lo haga saber al dueño de la heredad dentro de diez dias, so la misma pena de seys cientos maravedis.

Otrosy que nyngun señor de ganado, rabadan, ny pastor no de res alguna de las que tubiere ajenas mesteñas quando la truxeren a la dicha mesta, syn que primeramente las trayga al lugar dyputado e los entreguen a los alcaldes e agan el juramento que deven hazer, so pena de seys cientos maravedis, aunque paresca el dueño verdadero a quien se deva entregar.

Yten, que qualquier pastor o otra persona que trasseñalare algun ganado o otra qualquier cosa del ato, pague de pena seys cientos maravedis; e que sea remitido a la instancia hordinaria para que si el delito fue tal que meresca mayor pena le castiguen conforme a derecho.

Yten que las sentencias que dieren los dichos alcaldes de la mesta o qualquier dellos, aunque sea de mas de tres mill maravedis, no se puede apelar, salvo para el cabildo e ayuntamiento desta cibdad; e que alli se haga el proceso e se determine por los dichos juezes brebe e sumariamente; e que lo que asy determiniaren no aya lugar apelacion, e se hexecute luego la tal sentencia.

Otrosy, hordenamos que qualquier pastor o rabadan que syn licencia del señor del hato tomare algun pellejo o corderinas o serinas, que pague lo que valiere e mas cien maravedis de pena.

Yten, que esta cibdad de los mostrencos, sy los oviere que son suyos o de la parte de penas que aqui se contienen que pertenecia aquel parte, que la obligado a hacer quales quier o de fincio (fianza ?) que para el encerrar de los ganados o para otra qualquier cosa que tocare a lo suso

dicho fue menester e a pagar otras qualesquier costas e gastos o salario que les pertenesciere que sobrelo tocante a la dicha mesta e de la guarda e hexecucion destas hordenanzas se deva hazer.

Yten que todos los otros lugares de la tierra e juresdicion desta cibdad, donde no puede concertar a la dicha mesta, porque son anexos della, señalaren esta cibdad de los lugares donde se venian a juntar, para que alli hagan tanbien sus mestas; e sean obligados a guardar estas hordenanzas e lo que a ella tocare, como los mismos vezinos desta dicha cibdad e de las dichas sus villas e alcarias (alquerias ?).

Otrosy, que nyngun rabadan ny pastor ny otra persona trayga muger del partido ni otra mala muger en el ato; e que si se probare que la toviere mas de un año e un dia, el que la tuvo pague de pena seys cientos maravedis, e la mismas mala muger otros tantos; e que sy no lo pagaren le sean dado cien açotes; e que el señor del ganado o el rabadan que la consyentere o otro en el ato, pague otra tanta pena como el que la truxo.

Otrosy, que el rrecomedero o tierra que oviere menester cada cavaña despues de asentada, como dicho es, se lo señale persona del cabildo e ayuntamiento desta dicha cibdad conforme al ganado que truxere en la dicha cavaña, e que no pueda apropriarse asy el señor del ganado de mas tierra ny recomedero de lo que le fue señalado por el dicho diputado, el qual vaya a costa de cuyo fuere el ganado. . . .

Otrosy, que la dicha mesta que agora nuebamente se suplica a Su Majestad que aya en esta cibdad e reyno de Granada, no sea suxeta a la mesta rreal, ni les puedan pedir ni apremiar ni llamar para nynguna cosa tocante a la dicha mesta real, syno que ellos . . . guarden las hordenanças arriba contenydas e no sean obligados a cosa nynguna de mas de lo que en ellas contenido; e que sean avidos por ribediegos (riberiegos ?) conforme al previlegio de Úbeda, quanto a la dicha libertad de ribediegos (riberiegos ?).[1]

Yten que el escriuano del cabildo desta cibdad esta presente al hazer de las dichas mestas, e por ante el se hagan los procesos que los alcaldes de la mesta hizieren en hexecucion destas hordenanças; e que en su ausencia pueda el nonbrar otro escriuano de los del numero desta cibdad ante quien presente todo lo suso dicho syendo el escriuano que nonbrare acontentamiento desta cibdad.

[1] On the conflicts between the local mestas, representing the *riberiegos* (non-migratory flocks), and the national Mesta of the transhumantes, see above, pp. 13 ff.

APPENDIX C

A Concession from Ferdinand IV of Castile to the Convent of the Holy Trinity of Medina del Campo, 6 April, 1304, Granting Jurisdiction over Strays (Mostrencos)

Arch. Mesta, M–2, Medina, 1547; not printed in Benavides, Memorias de D. Fernando IV (Madrid, 1860, 2 vols.)

Don Hernando, por la gracia de Dios Rey de Castilla, de Toledo, de Gallizia, de Leon, de Seuilla, de Cordoua, de Murcia, de Jaem [*sic*], del Algarue, de Algecira, y Señor de Viscaya e de Molina, e a todos los concejos, alcaldes, jurados, jueces e justicias, alguaziles, merinos, comendadores, e a todos los otros aportellados de nuestros reynos que esta nuestra carta vieren salud e gracia.

Sepades que Fray Domingo de la horden de la Santa Trenidad y ministro de la casa de Toledo e prouincial en los nuestros reynos y en el reyno de Portugal, se me querrello que algunos que andauan en las demandas de ultramarinas y en la demanda de la cruzada, que enbargan la su demanda, que es para sacar cautivos de tierra de moros, e que ponen en las yglesias por tres domingos con sus fiestas y con cartas que ganauan en la mi chancilleria, en que dizen que la dicha horden que no ay demanda ninguna, ni preuillegio de los santos padres appostolicos, ny cartas de los reyes donde yo vengo.

Y en esto que dizen su voluntad que es officio de la dicha horden de sacar cautibos e de mantener ospitales y de cantar sacrifficios y de rrogar a Dios por mi anima y de los Reyes donde yo vengo e por todos los otros bienhechores de la dicha horden; e que an unos preuillegios de los santos padres appostolicos e de los rreyes donde yo vengo e de mi; e me pidio por merced, que yo tubiese por bien que la demanda que es para sacar cautiuos christianos de tierra de Moros e para los ospitales, que andubiesen por la mi tierra, ansi como fue usado fasta aqui.

E porque yo se verdad que la demanda quellos fazen que se despende en el seruicio de Dios y en el nuestro en sacar cautibos de tierra de moros y en mantener ospitales ques gran honrra e gran pro de la cristianidad, tengo por bien que an de la su demanda por todos los nuestros Reynos tan bien en yermo como en poblado; e que no les

sea enbargada por las demandas ultramarinas ni por la cruzada ni por otra demanda alguna; que si acaeziere en los lugares a donde los frayles de la dicha horden o sus mensajeros fueren, e si algunas mandas ficieren algunos de la horden de la Santa Trenidad para sacar cautibos que la mitan.

E que los fazer mas bien e mas merced tengo por bien que todas cosas que sean mandadas de los omes buenos y de las buenas duennas a su finamiento, no seyendo nobrados los lugares e personas donde se den, que las haya la dicha horden para sacar cautibos. Y si algunos finaren sin lengua e non fizieren testamento, el quinto de lo que tovieren que lo haya la dicha horden para sacar cautibos. Y aquellos que finaren que hizieren testamentos e no mandaren algo para los cautibos, que de al tanto como montare la mayor manda que fuere qualquier de las otras mandas. E que puedan demandar con bacines ellos o quien ellos lo encomendaren, e poner arcas en las yglesias donde la buena gente echen sus limosnas.

Otrosi, que ay algunos lugares en las hordenes que tomen el tercio de lo que les mandan para los cabtibos. Soy maravillado de como son osados de lo fazer. Por que vos mando que cada que los frayles de la dicha horden o sus mensajeros acaescieren en vuestros lugares, que les fagades mostrar los testamentos e a los albaceas y erederos e a los escriuanos. Y si fallaren que alguna cosa les fuere mandado o sera de aqui adelante para sacar cautibos o en algunos lugares non fuere nonbrado, que lo diesen segun dicho es se lo fagades luego dar sin otro algamiento alguno.

E otrosi, vos mando que donde quier que a los dichos frayles o sus mensajeros fueren y vos mostraren alguna cosa que no obiese duenno ques llamado mostrenco, o algunos testamentos en que no mandan algo a la dicha horden para sacar cautibos, o algunos que fincaren sin lengua que se lo fagades entregar segund dicho es.

Otrosi, vos mando que cada que los dichos frayles de la dicha horden o sus mensajeros se acaezieren en vuestros lugares con esta dicha mi carta o con el treslado della signado de escrivano publico, que los acojades e rrecibades vien, y que les dedes buenas posadas, e que fagades llegar los pueblos de doze annos arriba en un lugar conbenible a oyr el hecho de la trinidad. E aquellos que non quisieren yr a oyr su pedricacion prendadlos por diez marauedis a cada uno de los de la moneda nueba. E defiendo firmemente que ninguno sea osado de les enbargar sus peticiones, ni de les fazer fuerça nin tuerto ni otro mal ninguno, nin valdonarlos de sus palabras, nin de los contrariar a ellos, nin a los sus

omes, ni a ninguna de las sus cosas, por cartas que vos muestren los que andan en las demandas ultramarinas ni en la demanda de la cruzada ni en otras demandas ningunas, ni les tomen ni enbarguen ninguna cosa de lo que les fuere mandado para la dicha horden o por los cautibos, ni ningunas de las otras cosas que dichas son; ca mi voluntad es que se aprouechen la dicha horden destas mercedes que yo fago y que les ficieron los otro reyes donde yo vengo que les yo confirmo.

A qualquier que los fiziere pechar me haya en pena de diez marauedis de la moneda nueua, e a la dicha horden todo el danno y menoscauo. E si por auentura alguno o algunos obieren que non quisieren cumplir esto que yo mando segund sobre dicho es y les pasaren contra estas mercedes, que les yo fago, mando a los escriuanos publicos do ellos acaescieren que les emplacen que parescan ante mi del dia que les emplazaren a quinze dias do quier que yo sea, so la pena sobredicha a cada uno. E destos les mando dar esta mi carta sellada con mi sello de plomo colgado. Dada en Burgos seys dias Abril, hera de mill e trescientos e quarenta e dos annos. Yo, Juan Sanchez la fize escreuir por mandado del rrey.

APPENDIX D

Royal Commission to Gomez Carrillo[1] as Proprietary Entregador-in-Chief, 30 November, 1417

Arch. Mesta, S–5, Siguenza, 1792

Don Juan, por la gracia de Dios, Rey de Castilla, de Leon, de Toledo, de Galicia, de Sevilla, de Cordova, de Murcia, de Jaen, del Algarbe, de Algecira, e Señor de Vizcaya e de Molina, por facer bien y merced a vos Gomez Carrillo, mi alcalde mayor de los hijosdalgo, otrosi mi alcalde mayor de las mestas y cañadas de los mis reynos, por los muchos e buenos servicios que el dicho Gomez Carrillo, vuestro abuelo, fizo al Rey, Don Juan mi abuelo, e al Rey Don Enrrique, mi padre e mi señor, que Dios perdone, e a mi, en la mi gracia tengo por bien y es mi merced que aora e aqui adelante seades mi alcalde mayor de las dichas mestas e cañadas de los dichos reynos e señorios, en lugar del dicho Gomez Carrillo, vuestro abuelo, por quanto el dicho Gomez Carrillo es finado.

Y por esta mi carta mando al Concejo y omes buenos de las dichas mestas e cañadas de los dichos mi reynos e señorios e a todos los concejos e alcaldes, jueces e justicias e merinos e alguaciles, maestres de las ordenes, priores, comendadores, e sus comendadores e alcaydes de los castillos e casas fuertes e llanas, e a todas las otras justicias e oficiales qualesquier de todas las ciudades e villas e lugares de los dichos mi reynos e señorios que aora son e seran de aqui adelante, e a qualquier o a qualesquier de ellos a quien esta mi carta fuere mostrada o el traslado de ella signado de escriuano publico, que vos hayan e recivan aora e de aqui adelante por mi alcalde mayor de las dichas mestas e cañadas de los dichos mis reynos e señorios, usen con vos e con los que vos por vos pusieredes en el dicho oficio de alcaldia bien e cumplidamente, segun que mejor e mas cumplidamente usaron con el dicho Gomez Carrillo, vuestro abuelo, e con los otros alcaldes mayores que han seido de las dichas mestas e cañadas de los dichos mis reynos e señorios, e non con otro alguno.

Otrosi, tengo por bien e es mi merced que usedes e podades usar vos e los que vos por vos pusieredes en el dicho oficio e los sustitudos que

[1] See above, p. 81.

de vos tubieren poder de la jurisdiccion de la justicia, assi cibil como criminal, que al dicho oficio de alcaldia pertenece de oir e de juzgar e librar e para facer execucion en las personas e vienes de qualesquier malfechores que en lo que toca al dicho oficio de alcaldia de oir e de librar e de ver e de terminar e pertenece segun que en la manera que en los privilegios de las dichas mestas e cañadas se contiene, e segun que el dicho Gomez Carrillo e los que por si tenia en el dicho oficio, e los sustitutos usaban.

Otrosi, es mi merced e voluntad que podades andar e andedes vos e los que vos pusieredes en el dicho oficio e los sustitudos que de vos tubieren poder por todas las partes de los dichos mis reynos y señorios, abriendo e requiriendo las cañadas e los exidos e las veredas e los abrevaderos e las dehesas por donde andan los ganados que los pastores tienen. E non pueden prendar vos e los dichos vuestros lugares thenientes e los dichos sostitudos que de vos tubieren poder, o aquel o aquellos que fallaren que labraron e cerraren las dichas cañadas e exidos e veredas o abrevaderos, por la pena segun se contiene en el ordenamiento e cartas e previlegios que los dichos pastores han de los reyes onde yo vengo, confirmados de aqui e por esta dicha mi carta y por el dicho su traslado signado como dicho es.

Mando el dicho Concejo e homes buenos de las dichas Mestas e Cañadas de los Pastores, e a todos los otros concejos de todas las ciudades e villas e lugares de los dichos mi reynos e señorios que vos den e recudan e fagan dar e recudir con todas las soldadas e salarios e con todos los derechos e penas en que cayeren los malfechores que al dicho oficio pertenezcan e pertenecer debieren en qualquiera manera. E que vengan a vuestros emplazamientos e llamamientos e plazo e plazos, so la pena e penas que por vos o por los dichos vuestros lugares thenientes o por los dichos sostitudos puestos. E si para facer e cumplir qualesquier cosas de ellas que tocan e tocaren e dependen e dependieren al dicho oficio menester obieredes ayuda vos o los dichos vuestros lugares thenientes o los dichos sostitudos que vuestro poder obieren para ello por esta dicha mi carta o por el dicho su traslado signado como dicho es.

Mando al dicho Concejo e homes buenos de las dichas Mestas e Cañadas de los Pastores e a todos los dichos concejos e alcaldes e jueces e merinos, alguaciles, maestres de las ordenes, priores, comendadores e sus comendadores, alcaides de los castillos e casas fuertes e llanas, e a todas las otras justicias e oficiales qualesquier de todas las ciudades e villas e lugares de los dichos mis reynos e señorios, por que den e

fagan dar todo favor e ayuda que menester obiere para facer cumplir lo sobredicho e alguna parte e partes dello.

E otrosi, es mi merced que la apelacion o apelaciones que de los dichos vuestros lugares thenientes e de los dichos sus sustitudos o de qualquier de ellos que vuestro poder o suyo obieren para ello, que vengan delante de vos el dicho Gomez Carrillo, e non delante otro alguno. E si sintieren agraviados de vos el dicho Gomez Carrillo, que puedan apelar o suplicar para ante quien de derecho debieren, e los unos ni los otros non fagades ende al por alguna manera, so pena de la mi merced y de diez mil maravedis a cada uno para la mi camara, por quien fincare de lo assi facer e cumplir. E de mas, por qualquier e qualesquier de ellos por quien fincare e cumplir mando al home que la esta dicha mi carta mostrare e el dicho su traslado, signado como dicho es, que los emplazen que parescan ante mi en la mi corte, do quier yo sea del dia que lo emplazare fasta quinze dias primeros siguientes, so la dicha pena a cada uno, a dezir por qual razon non cumple mi mando. E de como esta dicha mi carta vos fuere mostrada o el dicho su traslado, signado como dicho es, e los unos e los otros la cumplieren. Mando so la dicha pena a qualquier escriuano publico que para esto fuere llamado que dende al que vos la mostrare testimonio signado con su signo, por que yo sepa en como se cumple mi mandado.

Dada en Valladolid, 30 dias de Noviembre, año del nascimiento de Nuestro Señor Jesu Christo de 1417.

YO LA REYNA.

Yo, Martin Gonzales, la fice escriuir por mandado de Nuestra Señora la Reyna Madre Tutora de Nuestro Señor el Rey [1] e Regidora de sus Reynos.

[1] John II (1406–54). The document is followed by a commission appointing Lope Vasquez de Acuña guardian of Gomez Carrillo, who was then five years old. In fact, this marked the transfer of the proprietary entregadorship to the Acuña family, which held it until the final sale of the office to the Mesta in 1568. See above, p. 82.

APPENDIX E

Exemption of the Town of Buitrago from the Jurisdiction of the Entregadores of the Mesta, Granted by Ferdinand IV of Castile, 20 March, 1304[1]

Arch. Mesta, B–4, Buitrago, 1742

En el nombre de Dios, Patre, Fijo, y Espiritu Santo, y de Santa Maria, su Madre. Por que entre las cosas que son dadas a los reyes señaladamente les es dado de fazer gracia y merced, y maiormente do se demanda con rrazon. E a el rey que la faze deue catar en ella tres cosas: la primera, que merzed es aquella que demandan; la segunda, es el pro o el daño que ende puede venir si la ficiere; la tercera, que lograr es aquel en que ha de facer la merced, y como que lo merescan.

Por ende nos, cantando esto, queremos que sepan por esto nuestro priuilegio los que agora son y sean daqui adelante, como nos, Don Fernando, por la gracia de Dios, Rey de Castilla, de Toledo, de Leon, de Galicia, de Seuilla, de Cordoba, de Murcia, de Jaen, del Algarbe, e Señor de Molina, por que los homes buenos del conzejo de Buitrago nos embiaron mostrar que ellos non hauian cañada en su termino, nin la obieron fasta aqui en ningun tiempo; y hauian priuilegio de los otros reyes onde nos venimos en que les mandauan que ficiesen de sus terminos lo que ellos quisiesen en qualquier manera ellos mas se aprovechasen de ello. Y los pastores que entraban y salieron de las otras tierras con sus ganados a los extremos y se desviaban de las cañadas ciertas, por facer a nos perder el nuestro derecho; y les pasauan por el termino y les comien sus panes y los prados, y les facien muchos daños; y que por que los prendan o los emplazan por ello, que los alcaldes y los entregadores de los pastores que les levantan muchas demandas y muchas achaques por ello, y que les pendran do quier que lo suyo fallan. Por esta razon que pierden muchos de nuestros pecheros lo que han. Et embiaron nos pedir merzed, que pues que cañada non hauien en el su termino, que non tubiesemos por vien que los alcaldes nin los entregadores de los pastores oviesen demanda ninguna contra ellos.

[1] Not in Benavides, *Memorias de D. Fernando IV.*

Et nos por fazer vien y merzed, y por muchos seruicios y buenos que ficieron al Rey, Don Sancho, nuestro padre,[1] y a los otros reyes onde nos venimos, y a nos fasta aqui y fazan daqui adelante, tenemos por vien y mandamos que todos los vezinos de Buitrago y de sus terminos, que non rrespondan daqui adelante a los alcaldes nin a los entregadores de los pastores por demandas que les fagan en ninguna manera por cartas que los dichos alcaldes nin los entregadores sobre dicho haian tenido nin tienen daqui adelante. Pues que nunca obieron cañada cierta nin amojonada.

Et si los pastores querella han de algunos vezinos de Buitrago o de su termino que lo demanden ante el alcalde o los alcaldes que libraron los pleitos a los vezinos de la villa por nos. Et si de su juicio se agrauiaren, que les den el alzada para ante nos. Et mandamos y defendemos firmamente que ninguno non sean ossado de les yr nin de les pasar contra esta merzed que les nos faziamos al conzejo sobredicho en ningun tiempo por ninguna manera. Et si non, qualquier o qualesquier que lo fizieren pechan nos y en coto 1000 maravedis de la moneda nueba, y a los vezinos de Buitrago o a quien su boz tobiese todo el daño y menoscauo que por ende rrezibiesen doblado, et demas a los cuerpos y a lo que obiesen nos tornariamos por ello.

Et mandamos a todos los conzejos, alcaldes, jurados, juezes, justicias, merinos, comedadores y a todos los otros aportellados de las villas y de los logares de nuestros reinos, que gelo non consientan y que les rrecabdan los cuerpos y lo que obieren, fasta aqui gelo fagan asi cumplir. Et por que esto sea firme y estable para siempre jamas, mandamos sellar este preuilegio con nuestro sello de plomo.

Fecho en Burgos, 20 dias de Marzo, hera de 1342 [A.D. 1304].[2]

[1] Sancho IV of Castile (1284–95), had rebelled against his father, Alfonso X, and was helped by many towns in the pasturage districts, including Buitrago, where Alfonso's patronage of the Mesta and his espousal of the interests of the sheep owners caused bitter dissatisfaction. Ferdinand's anxiety to retain the support given by these towns to his father, as well as to protect his income from sheep taxes accounts for the present decree of 1304. See above, p. 258.

[2] The document is indorsed with the signatures of many infantes, ecclesiastical dignitaries, counsellors, and others. At the head of the list, immediately after the "Yo el Rey" of the king, is the name of "Don Maomat Abenazar, Rey de Granada, vasallo del Rey."

APPENDIX F

Procedure in the Court of an Alcalde Entregador: Minutes of a Session Held at the Town of Villafranca de la Puente del Arzobispo[1] in June, 1457, to Make a Survey (Mojonamiento) of a Cañada and to Prevent Enclosures of Parts of It

Arch. Mesta, V–4, Villafranca, 1457

En Villafranca de la Puente del Arçobispo, primero dia del mes de Junio, año del nascimiento de Nuestro Salvador, Jesu Christo de mil e quatrocientos y cinquenta e siete años, estando el concejo, alcaldes, regidores e omes buenos de la dicha villa ayuntados a su concejo a su campana tañida, y estando presente el honrrado Bartolome de Figueroa, guarda e vasallo del Rey, nuestro señor, y alcalde e entregador mayor de las mestas e cañadas por el noble caballero y señor, Pedro de Acuña, guarda mayor del dicho Señor Rey e de su consejo e su alcalde e entregador mayor de las dichas mestas e cañadas en todos los sus reynos y señorios, y en presencia de mi, Alfon Garcia de Paredes, escribano de nuestro señor el Rey y su notario publico en la su corte y en todos los sus reynos, y de los testigos de yuso escriptos, parescio ayi presente Juan Sanchez de Yanguas, procurador sustitudo que es del onrrado Concejo de la Mesta y de los señores e hermanos della, e dijo al dicho alcalde y entregador mayor que la cañada que pasa por termino desta dicha villa e junto con ella, que viene desde Alcolea por donde pasan los ganados yendo y venyendo a sus estremos, esta cerrada asi de panes como de viñas por manera que los ganados de los dichos sus partes e hermanos del dicho Concejo de la Mesta non pueden pasar por la dicha cañada libre, e que por cabsa de aquello que en la dicha cañada fasen a los dichos sus partes e a sus pastores e rabadanes muchos males e prendias quebrantandoles sus fatos y llebandoles sus ganados, e que si de aquella guisa oviese a pasar, que por ello ha venydo e rrecrescido e viene e recrece de cada dia a los dichos sus partes muchos daños e costas.

Por ende, dixo el dicho Juan Sanchez, en nombre del dicho Concejo de la Mesta e hermanos della sus partes, que pedia e requeria e pidio

[1] On the Tagus River, about sixty miles west of Toledo.

e requirio al dicho alcalde e entregador mayor que viese e apease la dicha cañada, y por el vista la fallaria tal qual el desia que pedia e pedio al dicho alcalde e entregador mayor que abriese la dicha cañada, mandando quitar y quitase las lavores e viñas que en la dicha cañada estan, por manera que los dichos ganados y los dichos sus partes podiesen yr e venyr por la dicha cañada, e que en ella non fuesen prendada por cabsa de lo susodicho; e que sy lo asi fesiese el dicho alcalde e entregador mayor, faria bien y lo que devya, e cunpleria el seruicio e mandado del dicho Señor Rey e guardaria las cartas e previlegios del dicho Concejo de la Mesta, sus partes, dadas e otorgadas por los reyes de gloriosa memoria, confirmadas por el dicho Señor Rey. En otra manera dixo que protestava e protesto en nombre de los dichos sus partes de aver e cobrar del dicho alcalde e de sus bienes fasta tres mil doblas de oro de la vanda, que por cabsa de la dicha cañada estar cerrada e non estar avierta les ha venido de daño, con mas todas las costas y daños e intereses y menoscabos que sobre la dicha rason a los dichos sus partes que les ha recrescido y recresciete de aqui adelante; y que de como lo desia e requeria e pedia, dixo que lo pedia e pedio asi por testimonio para guarda y conseruacion del derecho de los dichos sus partes e suyo en su nonbre.

E luego el dicho alcalde e entregador mayor dixo que, dando lo testigos de confirmacion, que esta presto de faser todo aquello que el dicho Señor Rey lo mando e es tenudo a faser de derecho; e que eso dixo que dava e dio por su respuesta al requirimiento e pedimiento a el fecho por el dicho Juan Sanchez, non consentiendo en las protestaciones contra el fechas ni en alguna dellas.

E luego el dicho alcalde e entregador mayor dixo al dicho concejo e alcaldes de la dicha Villafranca de la Puente que lo diesen e nombren seys omes buenos de los mas antiguos vesinos del dicho lugar para que con el dicho alcalde anden e apeen la dicha cañada; lo qual les mandava que fesiesen asy so las penas contenidas en las cartas e previlegios del dicho Señor Rey.

E luego el dicho concejo e alcaldes de la dicha Villafranca de la Puente dixeran e nombraron por testigos al dicho alcalde para en lo susodicho a Pedro Alfon e a Lope Ferrandes e Alfonso Garcia Barvero e a Juan Mateos e Alfonso Ferrandes e a Sancho Martines, vesinos de la dicha Villafranca. E ansi mismo el dicho Juan Sanches en el dicho nombre de los dichos sus partes dixo que nombrava e nombro por testigos a los susodichos e a cada uno dellos, e los presentava e presento en la mejor manera e forma que podia e de derecho devia, de los quales

e de cada uno dellos el dicho alcalde e entregador mayor tomo e rescibio juramento sobre la señal de la cruz e por las palabras de los santos evangelios, a do quiera que son escritas que ellos e cada uno dellos diran e depornan lo que sopieren e son presentados por testigos e que lo non dexaran de desir por amor ni por desamor ni por cosa que les sea dada ni prometida; e que si la verdad dixeren e juraren, que Dios Padre todo poderoso les ayudase en este mundo a los cuerpos e en el otro a las almas, a donde mas avian de durar; e si por el contrario que Dios gelo demandase mal e caramente como aquellos que asabiendas juran el santo nombre de Dios en vano ya la confunsion que por el dicho alcalde les fue echado del dicho juramento, los dichos testigos e cada uno dellos dixeron e respondieron, "Si, juramos e amen." El dicho alcalde dixo que los avia por jurados e presentados en quanto podia e devia de derecho testigos.

E luego el dicho alcalde e los dichos testigos presentados e nombrados por el dicho concejo, e el dicho Juan Sanches e los alcaldes de la dicha Villafranca e el mayordomo del Señor Arçobispo unidos fueron a la cañada que va desde la dicha Villafranca a Alcolea. Y antes de la primera puente a mano esquierda, como vamos a la dicha Alcolea, fallaren estas viñas e tierras que se siguen:

Una viña de los cambrones; es de Gracia, vesina de la dicha Villafranca. E de alli pasaron la dicha puente a la dicha mano esquierda yendo a la dicha Alcolea, e fallaron las viñas e tierras que se siguen:

Una viña que es de la Cofraderia de Santa Catalina.
Otra viña ende junto que es de Sancho de los Freires.
Otra tierra baroecho largo que es del Señor Arçobispo.

Fallose mas en la dicha cañada a la dicha mano esquierda otra tierra senbrada de trigo que es del Señor Arçobispo.

E de alli fueron los dichos alcaldes e entregador mayor a dar los dichos testigos a dar en el termino de lo de Alcolea. E los dichos alcaldes e entregador mayor se bolvieron a la dicha primera puente e de alli con los dichos testigos entro en la dicha cañada como vamos a Alcolea a mano derecha, e fallo estas viñas e majuelos que adelante dira. Como pasamos por primera puente a la dicha mano derecha fallamos:

Una viña que es de Seimuel de Fromista.
Otra viña que es de Jubel, judio, vecino de la Puente.
Otra viña del Rabi Moço.
Otra viña de los clerigos de la dicha villa.
Otra viña de Juan Gonçales, escriuano.

Otra viña de Gracian.
Otra viña de Jubel, judio.
Otra viña de Nicolas Valero, vesino del villar.
Otro majuelo de Ferrando Sanches, çapatero.
Otra viña de Alfonso, gaitero.
Otra viña de Alfonso Sanches Dorado.
Otra viña de Alonso Sanches arrendado de Martin Sanches.
Otra viña de la mujer de Alonso Martin Ynchurriajo.
Otra viña pasando la segunda puente cerca de Alcolea, que es de dos fijos de Alfonso de Ordas.

E de alli juntaron con el termino de la Alcolea e los testigos dixeron que por el juramento que avian fecho que aquello era cañada, e desde que la dicha puente e torres que estan en el Rio de Tajo fue aquello dado por cañada e que era cañada, e que por alli pasan los ganados yendo e venyendo de sus estremos; e que asi la verdad por el juramento que avian fecho e que las dichas tierras e viñas que de suso van nombradas e declaradas estan en la dicha cañada, e que son de las personas que nombraron.

E luego el dicho alcalde y los dichos testigos venyeronse fasia la dicha villa, echando el cordel de la dicha cañada por la dicha cañada e cortando de las vides e cepas de las dichas viñas e fasiendo sus mojones e abriendo la dicha cañada. E asi andando el dicho alcalde e entregador mayor e los dichos testigos se tornaron a la primera puente fasiendo sus mojones en la dicha cañada e atraveso el arroyo e fueron a dar en el valladar de la villa de Grauar, quedo en la manera que lo fallaron; y de alli fue a dar a la viña de Juan Ramires, clerigo, y va aderredor de la viña por su valladar fasta en la esquina de arriba e de dar en el exido a lo alto; e asi de mojon en mojon fasta dar en el camino de las casquetas que va por medio del dicho exido; e va a las viñas e al torrico, e atraviesa el dicho camino e va de mojon en mojon por medio de las eras de la dicha villa; e va a dar a la esquina de un corral de Juan Santos, al cabo de arriba e torna de aqui a entrar la dicha cañada entre las casas como siempre fue e va por el filo de las tapias de las casas a la dicha mano derecha fasta las tapias e cerca de la tierra de los ospitales, e va a derredor de la cerca a los palomares de los dichos ospitales e del palomar va a dar al Rio de Tajo e buelve el agua arriba fasta entrar en la dicha puente; e de la otra parte pasando la dicha puente quedan sus limites e mojones e viene de la dicha puente a dar al fosar de los judios, e va por las tapias de las viñas al rededor del dicho lugar orilla del exido fasta dar a las casas de Alonso Garcia Barvero, el viejo, e dende va por las faseras de las casas de Alonso Garcia Barbero, el moço, e dende por

la dicha fasera de a mano esquierda fasta dar en la puente del dicho Rio de Tajo; e alli se encierra la dicha cañada como queda amojonada por sus limites e mojones que en ella quedan fechas.

El dicho alcalde e entregador mayor dixo que por quanto la dicha cañada que de suso va por el avierta e amojonada segun que quedava quanto toca a lo de entre ambas puentes que estan entre la dicha Villafranca e Alcolea non es enteramente del marco y cordel quel Rey mando por quanto alli desde una puente a otra es entre panes e viñas el dicho concejo de Villafranca que presente estava dio para cañada e para emyenda de aquello que avia fallescido dio de mas en el exido de la dicha villa bien anchura de tres cañadas.

E mas, el dicho alcalde dixo que pues que los dichos testigos avian dicho e declarado ser cañada lo susodicho por sus dichos e deposiciones, e ansimismo el dicho concejo consentyo que dava e declarava e dio e declaro la dicha cañada por cañada abierta e limytada e amojonada so las limites e confines e mojones que da e que mandava e mando al dicho concejo e alcaldes e omes buenos de la dicha Villafranca que estoviese asi abierta la dicha cañada, segun que el dexa para por donde pasen los ganados yendo e venyendo a los estremos; e que non sea cerrada ni desatados los dichos mojones, so las penas contenidas en las cartas e previlegios del dicho Señor Rey e de los reyes de gloriosa memoria, dadas e otorgadas al dicho Concejo de la Mesta e hermanos della; e que sea asi guardado para agora e para siempre jamas; e por su sentencia difinicion judgando pronunciando asi lo mandava e mando e judgava e judgo en estos escritos e por ellos.

E luego Sancho Garcia e Francisco Garcia, alcaldes de la dicha Villafranca, en nombre del dicho concejo dixeron que consentyan e consentyeron en todo lo susodicho, e que estan prestos de lo conplir e guardar segun que en la dicha sentencia se contyene e por el dicho alcalde e entregador mayor es mandado e sentenciado.

El dicho Juan Sanches de Yanguas, en nombre del dicho Concejo de la Mesta e hermanos della, sus partes, dixo que lo pedia asi por testimonio para guarda e conseruacion del derecho de los dichos sus partes e suyo en su nombre.

Testigos que fueron presentes a lo que dicho es:

MARTIN SANCHES SERRANO,
JUAN GONZALES, *escriuano*,
JUAN DE CAMARGO, *escruiano*,
vesinos de la dicha Villafranca de la Puente.

E yo, el dicho Alfonso Garcia de Paredes, escriuano e notario publico susodicho, que presente fue a lo que dicho es en uno con los dichos testigos, a mandado e pronunciamento del dicho alcalde e entregador mayor e a ruego e pedimento del dicho Juan Sanches, escrevi lo que dicho es que va escrito en estas ocho fojas de papel de a quarto de pliego, con esta en que va mi sino, e debaxo de cada plana va mi rubrica acostumbrada e encima de cada una foja van cinco rayas de tinta negra e por ende fio aqui este mio signo a tal testimonio de verdad.

ALFONSO GARCIA.

APPENDIX G

Instructions Governing the Conduct of Entregadores, Promulgated by Charles V, 12 January, 1529[1]

Arch. Mesta, C–3, Candeleda, 1534

Don Carlos, por la gracia de Dios, Rey de Romanos e Emperador semper augusto, e Doña Juana, su madre, . . . mandamos a los dichos alcaldes entregadores que en el uso e exercicio del dicho officio guarden la forma y orden siguiente:

Primeramente, que los dichos alcaldes entregadores puedan andar e andan por las prouincias e cañadas por donde van e vienen los ganados estremeños exercidando su oficio cada uno en las prouincias que le fueren señaladas en la manera que adelante se dira; e no anden ni pueden andar por otra parte alguna.

Iten, que los dichos alcaldes entregadores oyan las querellas e las demandas que los pastores dan de aquellos que obieren querellas, e gelas fagan enmendar a los pastores probandolo con dos pastores e jurando ellos en su buena berdad.

Otrosi, que los dichos alcaldes entregadores e sus lugares tenientes requieran las cañadas e veredas e exidos e abrebaderos e majadas e dehesas por los lugares e partes que los dichos pastores que son del dicho Concejo de la Mesta General, con sus ganados fueren o vinieren o atruesaren o estubieren ansi en los dichos estremos como en las sierras; e prenden los que hallaren que las cerraron o labraron por las penas que se contienen en el vedamiento e cartas e prouisiones que los dichos pastores y hermanos tienen, nuestros e de los reyes pasados, nuestros progenitores, e por los dichos rey y reyna, nuestros padre y madre, les fueron confirmados; e asi mismo deshagan lo que hallaren acrecentado en las dichas dehesas sin nuestra licencia, e de los reyes nuestros progenitores. E la medida que han de hauer las dichas cañadas han de ser seys sogas de quarenta e cinco palmas de marco la soga; y esto se entienda de la cañada que fuere por las viñas o los panes; y que los dichos alcaldes entregadores cada un año lo midan e fagan asi lo guardar.

[1] Issued because of complaints regarding the incompetence and corrupt practices of the appointees of the Count of Buendía, proprietary entregador-in-chief.

Otrosi, que el dicho alcalde entregador e aquel o aquellos que por el oviere de librar o el que por el andubiere, juzque las querellas que dieren los pastores, e hagan las entregas en todas las ciudades e villas e lugares por donde fueren e vinieren e atrauesaren o estubieren los dichos pastores o adonde se acaescieren.

Otrosi, que el dicho Concejo de la Mesta le de personero o personeros para les complir de derecho por quanto nuestra merced e voluntad es que les guarden sus preuillegios que les dieron los reyes, nuestros progenitores, e por los reyes nuestros señores padre e madre les fueron confirmados.

Otrosi, que los dichos entregadores ayan informacion, llamada la parte principal o su procurador que tenga su poder vastante, de los montadgos e castillerias, rodas e peajes e otros derechos que lleuaren e pidieren a los dichos pastores e a sus ganados contra derecho e contra sus preuillegios. E que les fagan restituyr lo que les fuere llebado ynjustamente e suspendan los dichos derechos si hallaren que nueuamente impuestos o acrecentados sin tener para ello titulo o prouision de nos o de los reyes onde nos venimos. E la pesquisa que sobre ello obieren la ynbien ante nos al nuestro consejo e pongan plazo a la persona que los pedia o lleuaua, que paresca ante nos en siguimiento de la dicha causa dentro de quinze dias.

Iten, si algunos prendieren o hizieren prender a los dichos pastores o los hirieren e hizieren herir, que peche trezientos marauedis de la moneda corriente, que dos blancas hazen un marauedi.

Iten, qualquier que labrare las cañadas o las cerrare, o las veredas o exidos o abrebaderos o majadas o dehesas o pastos comunes o concegiles o realengos peche trezientos marauedis de la dicha moneda corriente.

Iten, qualquier o qualesquier que hizieren dehesas sin nuestra licencia e mandado, que peche trezientos marauedis de la dicha moneda, e la dehesa deshecha; e que el alcalde entregador e sus lugares tenientes no puedan dar dehesas de nueva a ninguna persona, ni conecio, ni confyrmar las que estubieren dadas, mas que las vengan a pedir ante nos los que las ouieren menester ni puedan confirmar las que estobieren dadas.

Iten, qualquier que quebrantare cauaña peche trezientos marauedis de la dicha moneda.

Iten, que qualquier que quebrantare hato peche trezientos marauedis.

Iten, que el que tomare morueco peche trezientos marauedis aunque el que lo tomare sea seruiciador.

Iten, qualquier que tomare carnero o oueja encencerrada que peche trezientos marauedis de la dicha moneda.

Iten, que las fuerças y las tomas que les fueren fechas y tomadas e forçadas a los pastores, que ge las fagan pagar los alcaldes entregadores con el trestanto.

Iten, que ninguno presente escripto contra los pastores ante los alcaldes entregadores ni responda por abogado ni por otro alguno saluo por si mesmo luego de si o de no, ni el abogado ni otro alguno no responda ni haga demanda. E si respondiere por escripto que peche trezientos marauedis de la dicha moneda; y el escripto que ansi fuere presentado ante los alcaldes entregadores los dichos alcaldes lo riesquen e no vala; pero en las causas graues puedan alegar por escripto sin yncurrir en la dicha pena.

Otrosi, es nuestra merced que el dicho alcalde entregador de las dichas mestas e cañadas e sus lugares tenientes que por el fueren nonbrados por alcaldes entregadores y en el nuestro consejo presentados e rescibidos cada e quando andubiere, entendiendo en el dicho oficio de las mestas e cañadas por qualesquier ciudades e villas e lugares e partes que puedan traer e traygan vara de justicia, para que sean conocidos.

Otrosi, que ellos y sus omes e oficiales que con ello andubieren que puedan traer e traygan armas ansy en la dicha nuestra corte como en los dichos lugares aunque estan vedadas, andando entendiendo en el dicho officio de mestas e cañadas y no en otra manera.

Otrosi, que les den posadas que no sean mesones, e guias ansi de omes como de vestias para lleuar qualesquier presos o prendas que hizieren o obieren fecho andando o entendiendo en el dicho oficio pagando por ello lo que justamente merecieren.

Otrosi, que los dichos presos que truxeren los puedan poner e pongan en la carcel publica de qualquier ciudad, villa o lugar donde esto acontesciere. E mandamos al carcelero o carceleros que los acojan e resciban e pangan a buen recaudo e les acudan con ellos cada y quando que ge los pidieren; e si no lo quisieren ansi hazer que cayan e yncurran en las penas quel dicho alcalde entregador e sus lugares tenientes les pusiere al qual damos poder complido para las executar en ellos e en sus bienes cada que en ellas yncurran.

Otrosi, que los escriuanos publicos de las ciudades e villas e lugares donde los dichos pastores de la dicha Mesta General con sus ganados fueren o vinieren o atravesaren o estuvieren donde el dicho alcalde se acaesciere con nuestro escriuano de las mestas; e le requirieren que el

uno de ellos vaya con el qual ellos diputaren entresi para yr con el dicho alcalde. E sy no lo dyputaren entre sy para yr con el dicho alcalde que qualquie dellos a quien el dicho alcalde requiere sea obligado a yr con el, pagandole su justo e debido salario cada e quando que menester; lo obieren en sus lugares quanto durare el termino de la villa o lugar donde esto acaesciere o del lugar mas cercano del dicho lugar o villa donde fuere escriuano. E que el dicho nuestro escriuano de las cañadas o qualquier dellas den testimonio de las fuerças que hizieren al dicho alcalde entregador o al que por el andubiere en la manera que dicha es; e que otro ninguno escriuano no escriua ningund pleito deste oficio saluo nuestro escriuano de las mestas e cañadas, o los que andubieren por el que al dicho oficio pertenescan, so pena de trezientos marauedis de la dicha moneda corriente.

Iten, que el escriuano de la villa o lugar donde esto acaesciere con el escriuano de las dichas mestas e cañadas de testimonio signado de su signo al que lo pidiere de aquello que ambos a dos escribanos entendieren; pero en lo que cada uno entendiere que lo de solo aquel ante quien pasare.

Otrosi, que los dichos alcaldes entregadores no puedan lleuar ni lleuen para sy ni para nuestro alcalde mayor entregador de las mestas e cañadas las mesteñas e ganados mostrencos mas que queden e finquen para el dicho conceio a quien los dichos mostrencos e mesteñas pertenscen; e que los dichos alcaldes entregadores ge las fagan entregar.

Otrosi, que los dichos alcaldes entregadores que fueren puestos e nombrados por el dicho alcalde entregador mayor no puedan poner ni pongan sostitudos; e caso que los pongan que no sean rescibidos por los conceios ni por personas particulares, e que no valga cosa alguna de lo que ansi hizieren los dichos sostitudos.

Otrosi, que la apelacion o apelaciones que del dicho alcalde mayor entregador de las dichas mestas e cañadas e de sus lugares tenientes se ynterpusieren vengan ante nos al nuestro consejo o ante el presidente e oydores de nuestras audiencias e chancillerias, e no ante nuestro alcalde mayor entregador ni para ante otro alguno.

Iten, que en todos los casos suso dichos que el dicho alcalde o alcaldes entregadores para conocer e librar e determinar todas e qualesquier causas en que entendieren por razon del dicho oficio se junta con el alcalde ordinario de qualquier ciudad, villa o lugar donde las tales causas se acaescieren, al qual mandamos que se junten con el dicho alcalde entregador e que anbos a dos juntamente hagan juramento de administrar justicia a las partes breue e fielmente, conforme a lo con-

tenido en esta nuestra carta. E, fecho el dicho juramento, anbos a dos juntamente conozcan e libren e determinen las dichas causas publicamente en la audiencia de la tal ciudad, villa o lugar conforme a las hordenanzas suso contenidas. E lo que de otra manera hizieren el dicho alcalde entregador o sus lugares tenientes que no vala. Pero que, siendo requerido el dicho alcalde ordinario por el dicho alcalde entregador, no se quisiere juntar con el, que en tal caso el dicho alcalde entregador conozca e determine las dichas causas. E si alguno dellos fueren recusado, mandamos que tome acompanado el qual haga la solenidad que las leyes de nuestros reyes en tal caso disponen, con el qual juntamente conozca e determine las dichas causas, e no sin el.

Otrosi, que los dichos alcaldes entregadores o qualquier dellos sean obligados a venir personalmente a uno de los concejos e ayuntamientos que hazen o hizieren los hermanos del dicho Concejo de la Mesta General cada un año, y esten en el personalmente por el tiempo e termino que durare hasta ser acaudado e dar quenta e razon cada uno de lo que en el dicho tiempo de su oficio ha fecho e traer a el todos los procesos e pesquisas e sentencias que obieren fecho, e dar cuenta con pago de las penas que al dicho Concejo pertenescen e satisfazer a qualesquier querellosos que dellos o qualquier dellos obieren. Y el que no viniere al dicho Concejo, como dicho es, que dende en adelante no pueda usar ni use mas del dicho oficio, saluo sino mostrare legitimo ympedimiento porque no pudo venir.

Otrosi, mandamos que los seys lugares tenientes que por el dicho Conde de Buendia, nuestro alcalde mayor, fueren nombrados por alcaldes entregadores, antes que usen el dicho oficio se presenten en el nuestro Concejo de la Mesta General para que el dicho Concejo y hermanos del y el presidente que nos alli ymbiaremos, si alli estobiere, les señale las prouincias y cañadas donde cada unò dellos debe usar y exercitar el dicho oficio de mestas y cañadas. E vengan ante nos con el repartimiento o repartimientos que los dichos presidente e Concejo General de las dichas prouincias y cañadas hizieron para que visto por el dicho nuestro Consejo les den y libren nuestras cartas para usar del dicho oficio cada uno para la prouincia e cañadas que por el dicho presidente e Concejo fueren a cada uno señaladas, usen el dicho oficio conforme a lo en esta carta contenido e no en otra parte alguna, so las penas en que caen e yncurren los que usan de oficios para que no tienen poder e facultad. Por que vos mandamos a todos e a cada uno de vos en vuestros lugares e jurisdiciones que veays los dichos capitulos que

de suso van yncorporados e los guardays e cumplays e fagais guardar e cumplir en todo e por todo segund que en ellos se contiene.[1] . . .

[1] The document concludes with the allocation of the jurisdiction of Francisco de Benao, an entregador, in the bishoprics lying between León and Burgos on the north and Badajoz on the south.

APPENDIX H

Credentials of a Representative (Procurador) of the Mesta, issued at Moron in August, 1528

Arch. Mesta, C–3, Candeleda, 1529

Sepan quantos esta carta de poder vieren, como nos el Concejo, presidente, alcaldes, caualleros, escuderos, oficiales e omes buenos de la Mesta General de Castilla, de Leon, e de Granada, que nos ayuntamos en esta villa de Moron por el mes de Agosto deste presente año de quinientos e veynte e ocho años, segun que lo auemos de uso e de costumbre de nos ayuntar en cada un año en las sierras a nuestro concejo e junta general, otorgamos e conocemos que por nos y en nonbre de todos los otros nuestros hermanos e señores de ganados, ansi de los que estan presentes como de los que estan ausentes, que damos e otorgamos todo nuestro poder complido, libre, e llenero e vastante, segund que lo nos hemos e tenemos, e segund que mejor e mas complidamente lo podemos e debemos dar e otorgar de derecho a vos, Simon Sanchez de Alfaro, vesino de la Villa de Ceruera, para que por nos y en nonbre de los dichos nuestros hermanos podays pedir e demandar, recibir e auer e cobrar todos e qualesquier maravedis, pan e vino e oro y plata e moneda amonedada, e otros qualesquier bienes que a nos sean debidos por qualesquier personas o concejos o universidades, ansi por contratos o conocimientos como que nos ayan lleuado a nos e a los dichos nuestros hermanos ynjusta e no debidamente.

E para que de los maravedis e otras cosas que ansi recibierdes e cobrardes podades dar e dedes e otorgar e otorguèdes vuestra carta o cartas de pago e fin e quito, las que quisierdes e por bien vierdes, las quales valgane sean firmes bien, ansi como si nosotros mismos. E los dichos nuestros hermanos las diesemos e otorgasemos presentes seyendo.

Otrosi, vos hazemos nuestro legitimo suficiente e abundante procurador generalmente para en todos nuestros pleitos e quexos e querellas ceuiles e criminales mouidos e por mouer, que nos e los dichos nuestros hermanos tenemos con qualesquier conceios e personas particulares de qualquier estado o condicion o preheminencia que sean o ser puedan, o ellos o qualquier dellos han o esperan hauer o mouer, e contra nos o qualquier de nos los dichos nuestros hermanos, ansi en los pleitos

mouidos como en los por mouer, ansi en demandando como en defendiendo.

E para que sobre la dicha razon podades parecer e parscades ante sus magestades e ante los señores del su muy alto consejo, presidente e oydores que residen en las audiencias e chancillerias de Valladolid e Granada, e ante qualquier alcalde entregador de sus magestades e otros juezes e justicias e oficiales qualesquier que sean, eclesiasticos como seglares, e ante qualquier dellos que de nuestros pleitos e negocios tengan poder de oyr e librar e conocer, e presentar qualesquier probança e probanças e escripturas e preuillegios, obligaciones, e pedir execucion dellas e sobre ello hazer e hagades todos los requirimientos, pedimientos, demandas, e protestaciones, e emplazamientos, e pedir executiones, prisiones, venciones, e remates de bienes, e todos los otros autos e diligencias que nosotros hariamos e los dichos nuestros hermanos e hazer podriamos presentes seyendo, aunque sean tales e de aquellas cosas que segun derecho requieran auer nuestro especial mandado e presencia personal.

E para que ante los dichos alcaldes entregadores o qualquier dellos podades pedir e demandar e requirir que vean e visiten las cañadas e veredas e majadas exidos e dehesas e abrebaderos e pastos comunese concegiles. E a los que hallaren que los tienen labrados, cerrados, o ocupados gelo manden dexar e desembargar para paso e pasto e seruidumbre de los ganados de nos el dicho Concejo e hermanos del. E aquellos condenen en las penas que han caydo e yncurridos por ello conforme a la carta e prouision de Su Magestad a ellos dirigida. E para que podades cobrar e cobredes enteramente las penas e qualesquier otras cosas que a nos pertenescan sin hazer suelta alguna, e de dar cartas de pago de ello que recibierdes.

E para que podades en nuestras animas fazer qualquier juramento o juramentos de calunia e decisorio e de verdad dezir e pedir ser hechos por las partes contrayas; e para concluyr e cerrar razones e pedyr e oyr sentencia o sentencias, ansy loqutorias como difinitibas, e consentyrlas e apelarlas, e dar quien las siga las que apelardes donde seguirse deban.

E si necesario fuere sobre la dicha razon e sobre todo lo susodicho e sobre cada una cosa e parte dello, podades sostituir e sostituiades un procurador o dos o mas, los que quisieredes e por bien tobieredes, e los reuocar cada e quando que bien visto vos fuere, quedando todavia vos, el dicho Simon Sanchez de Alfaro, en el dicho oficio de nuestro procurador principal. E para que si necesario fuere sobre la dicha razon obli-

garnos, nos podays obligar a nosotros mismos e a todos nuestros bienes muebles e rayses, hatos e cabañas abidos. E por auer e de los dichos nuestros hermanos de auer, e que abremos por firme rato e grato estable a valedero para en todo tiempo del mundo todo lo que por vos, el dicho Simon Sanchez de Alfaro, fuere fecho e pedido e demandado e rescibido e cobrado, carta o cartas de pago, dado e otorgado, e todos los otros autos en nuestro nombre fechos e razonados e procurados e alegados e de no yr ni venyr contra ello en tiempo alguno, ni por alguna manera, so espresa obligacion que para ello hazemos de nuestras personas e vienes, e quan cumplido e vastante poder como nos avemos e tenemos por nos y en nombre de todos nuestros hermanos e señores de ganados para todo lo que dicho es e para cada una cosa e parte dello otro tal e tan cumplido. E ese mismo damos e otorgamos a vos, el dicho Simon Sanchez de Alfaro, con todas sus yncidencias e dependencias, emergencias, anexidades, e conexidades; e si necesario es releuacion vos releuamos de todo carga de satisfaccion e caucion e fiaduras, so aquella clausula del derecho que es dicha en latin judicio sive judicatum solui, con todas sus clausulas acostumbradas e oportunas, so la dicha obligacion.

E por questo sea firme e no venga en duda, otorgamos esta carta de poder en la manera que dicha es ante los nuestros escriuanos de los fechos e negocios deste nuestro ayuntamiento la qual queremos que valga por medio de año primero siguiente que començar a correr el primero dia de hebrero del año que viene de mill e quinientos e veynte e nueve años fasta ser complido el dicho medio año, que es fasta otro concejo que se hara en las sierras.

Que fue fecha e otorgada en la dicha villa de Moron a primero dia del mes de Setiembre, año del nascimiento de Nuestro Señor Jesu Christo de mill e quinientos e veynte e ocho años.

Testigos: Antonio de Rio.
Pedro Malo, *regidor.*
Juan de Rybera.
Frutos Paton.
Hermanos del Concejo.

Escriuanos: Diego Gomes Garrido.
Garcia de Caties.

APPENDIX I

Ordinances governing the Collection of the Servicio y Montazgo, or Royal Sheep Toll, 14 February, 1457

Arch. Mesta, B–1, Badajoz, 1727

Don Henrrique, por la gracia de Dios, Rey de Castilla, de Leon, de Toledo, de Galecia, de Seuilla, de Cordoua, de Murcia, de Jaen, de los Algarbes, de Algecira, Señor de Vizcaia y de Molina, a todos los concejos, alcaldes y jurados y jueces y justicias, merinos y alguaciles, maestres de las hordenes y priores y comendadores y alcaides de los castillos y casas fuertes y llanas, y a todos los otros oficiales aportillados qualesquier de todas las ciudades, villas y lugares de los mis reynos y señorios, asi realengos como abadengos y ordenes y vehetria, y otros señores qualesquier, o a qualesquier o a qualquier de vos a quien esta mi carta fuere mostrada o el traslado della, signado de escribano publico, salud y gracia.

Bien sabedes en como yo he de hauer en cada año seruicio y montazgo de los ganados de mis reynos que entraren e los estremos y salen dellos; e otrosi de los ganados que fueren fuera de sus terminos a bender en las ferias o en los mercados o en otros lugares qualesquier, que no llebaren albala de como son serbiciados que pagan serbicio de ellos; otrosi de los ganados que fueren fuera de sus terminos de las villas y lugares donde moraren, e non ovieren serbiciado, que maguer que tornen a sus terminos o esten fuera dellos, que los serbisen y montasguen vien y verdaderamente en cada un año, aunque no tornen a sus terminos, como dicho es.

El qual dicho serbicio y montazgo fue mi merced de mandar arrendar por seis años, que cumpliran por el dia de San Juan de Junio de el año que vendra de mil y quatrocientos y sesenta y dos años; por que se coja y pague en la manera e con las condiciones que aqui dice en esta guisa:

De 2000[1] bacas o nouillos o toros o erales que fueren redrados de sus madres, paguen por cada 1000 3 bacas o nouillos, y dende arriba y dende ayuso a este respecto; y mas de guarda 18 maravedis.

Y de 100 puercos, 1 el mejor, y de cada puerco 1 dinero, y dende arriua y dende ayuso, a este respecto.

[1] In transcribing the numerals, figures have been used, instead of the words of the original.

Y de 1000 obejas y carneros y cabras y cabrones, 5 reses de cada 1000 de lo mejor; y de los montazgos, segun se usaren, se paguen a 3 maravedis de cada 1000 por la guarda, y dende arriba y dende ayuso a este respecto.

Y de lo merchaniego[1] que se comprare en las ferias o en los mercados o en otros lugares qualesquier, que binieren o fueren fuera de los caminos, de cada cabeza de baca, nobillo o buey, 7 dineros; y de los carneros, obejas, cabras y cabrones, de cada caueza 2 dineros.

Otrosi, que todos los ganados recios que entraren en las dehesas que sean fuera de sus terminos, antes que los metan en dichas dehesas, que sean tenudos de los contar por ante escribano publico; y que no los saquen de las dehesas sin licencia y albala de los dichos mis arrendadores mayores de esta dicha renta, o de sus acedores pudiendo ser hauido ser hauidos. Y si no que lo fagan sauer por ante escriuano publico, o a qualquier de los alcaldes de el lugar do esto acaeziere, por que se pueda sauer la verdad para cobrar de ellos el derecho de la dicha renta. Y si de otra guisa los metieren o los sacaren sin pregonar, que los pierdan por descaminados, y que sean para los dichos, mis arrendadores, que de mi arrendaren la dicha renta, y el escriuano o escriuanos por ante quien pasaren los ganados, asi a entrada como a salida, no estando alli los mismos arrendadores, que sean tenudos de dar y de copia de todo lo que por el pasa o pasare, so pena de la protestacion que contra el fiziere el arrendador.

Otrosi es mi merced que si algunos de los gandos estubieren en las dehesas fuera de sus terminos antes del dia de San Juan de Junio de el año pasado que comenzo la dicha renta, que los que ansi tubieren los dichos ganados en las dichas dehesas sean tenudos de los contar por ante escribano publico, antes que los saquen de las dichas dehesas, so la pena suso dicha, por que el arrendador o arrendadores que de mi arrendaren la dicha renta puendan sauer quanto es el dicho ganado, para cobrar de ellos el derecho que hubiere de haber. Y el alcalde de la villa o lugar sea tenudo de lo facer pregonar asi, si fuere requerido por los dichos arrendadores, o por los que por ellos lo hubieren de hauer orecaudar.

Todos los ganados merchaniegos y trauesios que fallaren los terminos donde han de pagar el dicho seruicio y montazgo de 100 reses, 1, asi de cabras y cabrones y carneros, ovejas y puercos.

Otrosi, que todos los montazgos que fallaren los dichos ganados desde que entraren en los dichos puertos e en adelante entrando en los terminos, que sean tenudos de pagar a la salida los ganados que ovieren a pagar segun el quento del ganado que metieron a las entradas por los dichos puertos; y que el arrendador sea tenudo de tomar a la salida en los dichos puertos acostumbrados por el ganado que hubiere de hauer por los dichos montazgos que el dicho ganado fallaredes de que entrare por los dichos puertos adentro: Carnero con su lana; y si el dicho pastor vendiere los dichos carneros o no los trajere a la tornada, que el dicho arrendador e seruidor que sea tenudo de tomar obeja con su hijo o hija e pagar 4 maravedis de costa de la obeja con su fixo o fixa; y que el rebujal que oviere con el dicho ganado obejuno o cabruno o porcuno no se entienda rebujal sino que la res que hubiere parni

[1] See above, pp. 43 f.

el pastor, y que esta res de rebujal sea estimada en 25 maravedis en esta moneda que facen 2 blancos 1 maravedi, y que sea en escosencia del arrendador de tomar la res o pague el pastor los maravedis que en la su parte montare, qual el dicho mi arrendador mas quisiere.

Otrosi, que los ganados bacunos que entraren por los puertos acostumbrados que se quenten e paguen los marauedis que han de hauer de guarda e albala, e por quento de la entrada paguen a la salida el seruicio y montazgo que deuiere y hubiere a dar, asi de lo follado fasta la dicha entrada de los puertos, como lo que despues follare fasta la salida; y que lo pague luego en el puerto o puertos por do salieren a la salida, quando el dicho ganado saliere por el dicho puerto de la entrada.

Otrosi, que sea guardado a los pastores dos reses cencerradas de cada 100, y no mas; y se entienda 20 reses cencerradas al 1000.

Otrosi, que los arrendadores aue arrendaren la dicha renta sean tenudos de yr o embiar a los dichos puertos a reciuir los dichos derechos en la manera que dicho es, fasta primero dia del mes de Octubre de el dicho año pasado; y que los dichos mis arrendadores, o el que lo hubiere de hauer por ellos. sean tenudos de continuar a contar el dicho ganado cada dia de sol a sol como viniere cada cauaña en esta manera:

> Que la primera cauaña como llegare que luego sea contada y serbiciada y montazgada; y que quenten la segunda e dende adelante cada uno como viniere; y si acaesciere que dos o tres cauañas llegaren en uno, que quenten la primera que llegare o la que procurador de concejo mandare; e que no cese de continuar a contar como dicho es el tiempo que es necesario para comer; e si lo non quisieren fazer, que lo haga la justicia que fuere en los dichos puertos a costa de el arrendador; pero si non fueren o embiaren los dichos arrendadores en el dicho tiempo, que el juez de la jurisdiccion donde fueren los dichos puertos, que puedan poner fieles a costa de la renta para reciuir los dichos derechos de los dichos ganados de lo que deuieren, fasta la llegada de los dichos puertos; e eso mismo se entienda en la salida en la manera que dicho es.

Otrosi, con condicion que no sean salbados en esta dicha renta ninguna persona de pagar por los ganados que trageren o estubieren fuera de sus terminos el dicho derecho que a los dichos mis arrendadores pertenece o pertenecer deue de los dichos ganados, porque digan que son vecinos de un lugar, nin por uso nin por costumbre salbo si en el dicho lugar do moraren e tubieren vecindad de su casa poblada la maior parte de el año con la muger e sus fixos; y que de ese lugar do tubiere la tal vecindad e tubiere su ganado, y do fuere vecino goze y no de otro ninguno.

Otrosi, que los dichos arrendadores o quien su poder hubiere entendiese que hera pro de la dicha renta pudiesen mudar qualquier o qualesquier puertos donde se cojen e reciuen los derechos pertenecientes a la dicha renta e a otras partes e lugares do quisiese haciendolo a pregonar publicamente en el Concejo de la Mesta, por que viniese a noticia de todos; e que yo y los dichos mis contadores maiores mandaremos dar y diciesemos prouisiones que para en fauor de ello menester hubiesen; y si el dicho Concejo de

la Mesta e los pastores e señores de ganado no lo quisiesen ansi fazer e cumplir, que fuesen tenudos a todas las personas conthenidas en las condiciones de este mi quaderno, que hablan en que manera sea de pagar los derechos de la dicha renta.

Otrosi, con condicion que los ganados francos que han en la dicha renta por preuilejio estan puestos por salbados por quanto en los preuilejios que tienen de las dichas franquezas se contiene que sean de sus cauañas y no de sus pastores, y fierro y señal y por virtud de los dichos preuilejios facen muchas ynficas yncubiertas, pasando los dichos ganados por virtud de las dichas franquezas, siendo de otras personas por ciertas abenencias que con ellos fazen, por que pasan con las dichas franquezas, y aun faciendoles gracia de los derechos que deuen de pagar, no siendo los tales ganados suios ni de sus cauañas nin de su fierro y señal; por lo qual viene gran daño a la dicha renta, por ende que los monasterios y otras personas que ansi tubieren las dichas que estan puestas por salbadas, como dicho es, no puedan pasar ni pasen otros ganados algunos por los puertos de la dicha renta por virtud de las dichas franquezas que tienen sin pagar los derechos pertenecientes a la dicha renta, salbo los ganados que fueren suios y de sus cauañas y pastorias, que an contiene en sus preuilejios; y si otros ganados algunos pasaren por los dichos puertos y de otras personas que no sean suios como diz que se han hecho fasta aqui, que estos a tales paguen los derechos segun los pagan las otras personas que pasan ganados por los dichos puertos, so las penas conthenidas en este dicho mi quaderno; y que para ello sean dadas las posesiones que para se hacer y cumplir necesarias sean y con otras condiciones que estan asentadas en mis libros.

Y por quanto los dichos Rui Gonzales de San Martin y Pedro Sanchez de Aguilar no contentaron enteramente de franzas a la dicha renta en tiempo deuido, los dichos mis contadores maiores la tornaron a el almoneda, y andando en ella por quanto no se fallo quien diese por ella precio alguno, la tomaron para mi en el precio y cantia que la tenian arendado los dichos Rui Gonzales y Pedro Sanchez. Y despues lo arrendo de mi por los dichos seis años con el recaudador de ella Luis Gonzales del Castillo, vecino de la villa de Medina del Campo, por otra cierta cantidad de maravedis, por virtud del remate que de ella fue fecho, con el dicho salbado y condiciones que hauian sido rematadas en los dichos puertos Pedro Sanchez y Rui Gonzales; el qual pidio por merced que se mandase dar mi carta de quaderno para que la recudiesedes y ficiesedes recudir con la dicha renta de dicho seruicio y montazgo desde dicho primero año.

Y por quanto el fizo y otorgo por ante mi el escriuano de rentas por la dicha renta de los dichos seis años cierto recaudo y obligacion y dio cierto saneamiento de ella en quanto a el dicho primero año que esta asentado en los mis libros.

Y hubelo por bien, por que os mando vista esta mi carta o el dicho su traslado signado como dicho es, a todos y a cada uno de vos en vuestros lugares y jurisidiciones, y a todos los otros pastores e rabadanes y merchaniegos y viandantes y camineros y señores de ganados, y a todos los otros que los guardan, que dedes y fagades recudir al dicho Luis Gonzales del Castillo, mi arrendador y recaudador maior, o a quien su poder hubiere firmado de su nombre e signado de escriuano publico, con todo el seruicio y montazgo y con todos los derechos que a la dicha renta pertenecen y pertenecer deben, en qualquier manera esta dicho primero año que comenzo por el dia de San Juan de Junio de el dicho año pasado de 1456; y se cumplieron por el dia de San Juan de Junio de este dicho año de la data de esta mi carta, bien y cumplidamente, en guisa que le non mengue cosa ninguna, segun que mejor e mas cumplidamente recudisti e ficistis recudir en los años pasados a los otros arrendadores e recaudadores maiores que fueron de la dicha renta, e asi por el dicho Rey mi señor y padre como por mi, a los que lo obieren de hauer y recaudar por ellos, segun se contiene en las leyes conthenidas en este mi quaderno, que hablan en razon de como han de pagar los dichos derechos los dichos pastores e rabadanes y viandantes e camineros; e que ninguno ni algunos no se escusen de pagar el dicho seruicio y montazgo e las otras cosas sobre dicho es; e que ningunos pastores ni rabadanes ni merchaniegos ni viandantes ni camineros ni otros algunos por cartas e por preuilegios que de mi tengan, ni de los reyes donde yo vengo, ni por otra razon alguna, salbo los susodichos que son salbados en este dicho mi quaderno.

Y defiendo firmemente que ninguno ni algunos sean osados de encubrir ni encubran el dicho seruicio y montazgo nin los otros derechos que a la dicha renta pertinecen y pertenecer deben en qualquier manera, nin de los tomar ni lleuar por fuerza ni en otra manera alguna, nin pasar ni pasen con sus ganados sin los contar en persona del dicho mi arrendador y recaudador maior o de sus lugares thenientes, si ay estubiere, e si no, antes los dichos fieles a las entradas de los ganados a los extremos e quando salieren de ellos, ansi francos como no francos, que haian a los dichos extremos por las cañadas y lugares ciertos y acostumbrados, por do suelen pagar y cojer el seruicio y montazgo, segun sea costumbre en los años pasados. E si por otros los pasaren e los non pagaren, mando pierdan el ganado por descaminado; y que sean para el dicho mi arrendador y recaudador maior.

Y por quanto el dicho seruicio y montazgo se coje y recauda en los lugares yermas donde no hay justicia, que el dicho mi arrendador y

recaudador maior, o el que lo hubiere de recaudar por el, pueda tomar el dicho descaminado, otrosi predar a las personas que lo non quisieren pagar el dicho seruicio y montazgo por los maravedis que lo hubieren a dar por el dicho seruicio y montazgo. Y que desde el dia que fiziere la dicha prenda y tomare el dicho descamino fasta tres dias primeros siguientes, la llebe a presentar ante un escriuano publico e ante un alcalde de la ciudad, villa o lugar donde tomare el dicho descamino y fiziere la dicha prenda, por que el dicho alcalde le faga sobre ello cumplimiento de justicia a el qual dicho alcalde mando que lo cumpla y faga luego, asi faciendo llamar a la otra parte y oir lo que decir quisiere, so pena de 10,000 maravedis para la mi camara. Y si el dicho alcalde fallare, que deue mandar entregar al dicho mi arrendador o recaudador maior el dicho ganado que asi fuere tomado por descaminado, que se lo de y entregue luego.

Otrosi, fallare que debe mandar bender las dichas prendas que la mande bender y entregar luego a el dicho mi arrendador y recaudador maior de lo que perteneciere e hubiere de hauer, segun las dichas mis condiciones. E a qualquiera o qualesquier que comprare el dicho ganado o prendas que por mandado del dicho alcalde fuere vendido, por esta mi carta o por el dicho su traslado signado como dicho es, se lo fago sano. Y si el dicho mi arrendador o arrendadores maiores o el que lo hubiere de recaudar por el menester oviere ayuda para tomar el dicho ganado por descaminado a facer las dichas prendas, mando a vos los dichos concejos, justicias y oficiales que les dedes fauor y ayuda que para ello menester hubiere. E los unos ni los otros non fagades nin fagan ende al por alguna manera, so pena de la mi merced y de 10,000 maravedis para la mi camara. Y de mas, por qualquiera y qualesquier de vos por quien fincare de lo ansi fazer e cumplir, mando a el ome que esta mi carta mostrare o el dicho su traslado, como dicho es, que vos emplazaren que parescades ante mi en la mi corte do quiera que yo sea, los concejos por buestros procuradores e uno o dos de los oficiales de cada lugar personalmente con poder de los otros, de el dia que os emplazare fasta quince dias primeros siguientes, so la dicha pena cada uno, a decir por qual razon non complides mi mandamiento y de como esta mi carta os fuere mostrada, o su traslado signado como dicho es. E los unos nin los otros non lo cumpliredes, mando so la dicha pena a qualquier escriuano publico, que para esto fuere llamado, que dende a el que os la mostrare testimonio signado con su signo, por que yo sepa en como cumplides mi mandado.

Dada en la ciudad de Burgos a 14 dias de Hebrero, año del nacimiento de Nuestro Señor Jesu Christo de 1457.

YO EL REY.

Alonso de Quintanilla.
Diego Arias. Garcia Gonzales.
Alonso de Oviedo. Rodrigo del Rio.

APPENDIX J

Royal Instructions to a Special Inquisitor (Juez Comisario[1]) to investigate Taxes paid by Mesta Members, 18 August, 1489

Arch. Mesta, U–1, Úbeda, 1492

Dona Ysabel, por la gracia de Dios, Reyna de Castilla, de Leon, de Aragon, de Seçilia, de Toledo, de Valençia, de Galizia, de Mallorcas, de Seuilla, de Çeredeña, de Cordoua, de Corçega, de Murçia, de Jaen, de los Algarbes, de Algezira, de Gibraltar, Conde y Condesa de Barçelona e Señora de Viscaya e de Molina, Duquesa de Atenas e de Neopatria, Condesa de Rrosellon e de Cerdania, Marquesa de Orestan e Goceano, a vos, Luis Gonçales de Sepulveda, contyno[2] de mi casa, el qual fago juez mero executor, salud e gracia.

Sepades que Rodrigo Dias de la Villa, en nombre e como procurador del Concejo, alcaldes, caualleros, escuderos, oficiales e omes buenos de la Mesta General de Castilla e de Leon, me hizo relaçion por su petiçion que ante mi en mi consejo presento disiendo que yendo ciertos ermanos del dicho Concejo de la Mesta a ervajar con sus ganados a los estremos atravesando de unas partes a otras, les avian seydo fechos muchos agravios, cohechos e sinrazones contra el thenor e forma de las leyes de mys reynos e de las cartas que cerca dello asy por el Rey, mi señor, como por mi son dadas.

Espeçialmente el Alcayde de Montiel que diz que llevo al mayoral de Fernan Gomes de Caja, mi contador, siete mil y siete cientos maravedis de un derecho que dixo seruicio e montadgo, aviendolo ya pagado en otros logares acostumbrados aquien e como deuia e segund lo que en las leyes del cuaderno del seruisio. E diz que el Alcayde del Alhanbra llevo ocho carneros de asadura e castilleria[3] estando lo tal vedado e defendido, non lo poniendo ni deviendo lleuar. E asy mismo en la cibdad de Ubeda an llevado de cada hato que por los enzinares de Baeça pasan, un florin e una borra de un derecho que dizen caualleria, estando defendido por las dichas leyes. E asy mismo diz que llevaron a muchos hermanos del dicho Concejo de la Mesta en las villas de Xorquera e Albaçete e Larroda e Ymesta e Santistevan del Puerto, e en otros lo-

[1] See above, pp. 213 ff., 277 f. [2] See above, p. 215.

[3] For definitions of these and other taxes herein mentioned, see Glossary.

gares de aquellas comarcas ciertos derechos so color e diziendo que eran seruiçio e montadgo e borras e asaduras, aviendo ya pagado el dicho seruiçio e montadgo a quien e como devian; e non les podiendo lleuar las dichas borras por estar lo tal defiendo. E a Françisco de Villatoro los judios portadgueros [1] de Medellin le llevaron mill e trezientos maravedis de portadgo e un carnero siendo su ganado cabanil.

En lo qual todo diz que ellos han rescibido mucho agrauio e daño, e lo esperan rescibir de aqui adelante, si non se remediase. E el dicho Rodrigo Dias en el dicho nonbre me suplico e pidio por merzed en el dicho nonbre sobre ello le mandase prouer por manera que lo que asi les estaua lleuado les les fuese lleuado e restituydo, e que de aqui adlante lo non pidiesen ni lleuasen, so aquellas penas en que caen los que lleuan los semejantes derechos.

Sobre lo qual presento ante mi en el mi Consejo ciertos testimonios, e fueron thomados e resçibidos ciertos testigos, lo qual todo por los del mi Consejo visto fue acordado que deviamos mandar dar esta nuestra carta para vos en la dicha razon. E yo toue lo por bien, por que vos mando que luego que con esta mi carta fuerdes requerido vades a las dichas cibdades e villas e logares e a cada una dellas e a otras qualesquier partes donde fuere neçesario. E llamadas las partes, fagays pesquisa e ynquisiçion por quantas partes e maneras saber lo pudierdes e que cantidad e so color de que derecho han lleuado a los dichos hermanos del dicho Concejo de la Mesta lo susodicho.

E cada una cosa e parte dello, e todo lo que hallardes lleuado ynjusta e non devidamente contra el thenor e forma de las leyes de mis reynos e de sus preuillejos e de las cartas quel Rey, mi señor, e yo avemos mandado dar, fagays tornar e restituyr al dicho Concejo de la Mesta e a su procurador en su nonbre. E esecuteys en ellos e en cada uno dellos las penas en las dichas leyes e cartas contenidas, ca para ello vos doy poder conplido por esta mi carta.[2] E mando a las partes a quien citan e a qualesquier personas de quien entendierdes ser ynformado que vengan e parescan ante vos a vuestros llamamientos e enplazamientos a los plazos e so las penas que de mi para les pusierdes, las quales yo por la presente les pongo e puesto. Para lo qual asi mismo vos doy poder conplido por esta mi carta, e es mi merçed e voluntad queste

[1] On the anti-Semitic activities of the Mesta and its part in the expulsion of the Jews, see above, p. 217.

[2] It will be observed that in this instance the special inquisitor was not required to report the conclusions of his investigations to the Royal Council, but was on the contrary authorized to enforce his decisions forthwith. See above, p. 214.

desenhazer lo susodicho ciento e veynte dias. E que ayades e llevedes de salario para ayuda a vuestra costa e mantenimiento cada uno de los dichos ciento e veynta dias dozientos e çinquenta maravedis. E para un escriuano que con vos vaya ante quien pase lo susodicho setenta maravedis. Los quales vos sean dados e pagados de los bienes de los que fallardes para los quales aver e cobrar e para fazer sobre ello todas las prendas, premias, execuçiones, vençiones, prisiones e remates de vienes que neçesarios e conplideros sean. Vos doy asy mismo poder conplido por esta mi carta con todas sus yncidençias, dependençias, mergençias, anexidades, e conexidades, e non hagades ende al.

Dada en la çibdad de Jaen, a diez y ocho dias del mes de Agosto, año del nasçimiento de Nuestro Señor Jesu Christo de mill e quatro cientos e ochenta e nueue años.

YO LA REYNA.

Yo, Alonso de Avila, secretario del Rey e de la Reyna, nuestros señores, la fize escreuir por su mandado.

BIBLIOGRAPHY

SYNOPSIS

	Nos.
I. Bibliographies	1
II. Sources	16
A. Manuscripts	16
1. The Archive of the Mesta (Madrid)	16
2. The Royal Academy of History (Madrid)	25
3. The Archivo Histórico Nacional (Madrid)	33
4. The Biblioteca Nacional (Madrid)	36
5. Other national Spanish archives	45
6. Spanish town archives	48
7. The Archivo del Duque de Osuna (Madrid)	62
8. British Museum	69
9. Archives in Paris	71
B. Printed Works	75
1. Mesta codes and documents	75
2. Local laws and ordinances	83
3. Other printed sources	122
III. Secondary Works	146
A. Discussions of the Mesta	146
B. Sheep migrations in other countries	165
C. General agricultural works	

I. BIBLIOGRAPHIES

1. Real Academia de la Historia (Madrid). *Colección de Fueros y Cartas-pueblas de España.* Madrid, 1852. An indispensable guide, especially helpful as one of the few available aids for the investigator in the rich archives of the Academy.

2. The same. *Índice de los Documentos procedentes de los Monasterios y Conventos suprimidos.* Tom. i (no others published). Madrid, 1861. Has many excerpts and lengthy summaries.

3. The same. *Colección de Córtes de los antiguos reinos de España.* Madrid, 1855. A useful chronological guide to printed and ms. source materials, largely in the Academy's library.

4. Agapito y Revilla, Juan. *Los Privilegios de Valladolid — Índice, Copias, y Extractos* . . . . Valladolid, 1906. A convenient guide to much good material in the town archive of Valladolid.

5. Archivo Histórico Nacional (Madrid). *Índice de los Documentos del Monasterio de Sahagun.* Madrid, 1874. Liberal extracts and summaries; a useful glossary.

6. Barrantes, Vicente. *Aparato Bibliográfico para la Historia de Extremadura.* Madrid, 1875–77. 3 vols. This edition displaces the earlier one in 2 vols. (1865), which was full of gaps and errors. The present edition is an exhaustive guide to materials, both ms. and printed, on the great summer pasturage region of the Mesta.

7. Boissonnade, P. "Les Études relatives à l'histoire économique de l'Espagne." In *Revue de synthèse historique,* 1910–12.

8. Catalina Garcia, Juan. *Datos Bibliográficos sobre la Sociedad Económica Matritense.* Madrid, 1877. A scarce but very useful publication; lists much valuable fugitive material now in the library of that Society.

9. Colmeiro, Manuel. *Biblioteca de los Economistas Españoles de los Siglos XVI, XVII, y XVIII.* Madrid, 1880. Indispensable.

10. Foulché-Delbosc, R. *Bibliographie des voyages en Espagne et en Portugal.* Paris, 1896. Convenient in this investigation as a guide to material on Estremadura.

11. Jordana y Morera, José. *Apuntes Bibliográfico-forestales.* Madrid, 1875. A useful compilation of titles, both printed and ms., on forestry, with much on stock raising; privately printed.

12. Muñoz y Romero, Tomás. *Diccionario Bibliográfico-Histórico de los antiguos Reinos, Provincias, Ciudades, Villas . . .* Madrid, 1858. Remarkable for its thoroughness, accuracy, and utility; one of the two constant bibliographic aids to the present investigation (see No. 15).

13. Pérez Pastor, Cristóbal. *Bibliografía Madrileña . . . Siglo XVI.* Madrid, 1891. Supplemented by two later volumes on the early seventeenth century; lists the early editions of the Mesta codes.

14. Rada y Delgado, Juan. *Bibliografía Numismática Española.* Madrid, 1886. This and the preceding item were published by the Biblioteca Nacional.

15. Ramirez, Bráulio Anton. *Diccionario de Bibliografía Agronómica.* Madrid, 1865. An exhaustive compilation of 2375 titles, including mss., analyses of files of obscure periodicals, summaries of early pamphlets, etc.; a work which will stand comparison with the best of the better known bibliographies in any language or on any subject.

II. SOURCES

A. Manuscripts

1. *The Archive of the Mesta*

The Mesta began very early the collection and organization of documents concerning its various activities. In fact, there are indications of an informal accumulation of materials for the use of its attorney as early as 1371, though the first definite evidence of a systematized archive does not occur until the recognition of the Mesta by Ferdi-

nand and Isabella as one of the administrative arms of the central government. The Archive was stored at the monastery of Guadalupe, in the heart of the winter pasturage region, until about 1595, when it was transferred to Villanueva de la Serena, another of the favorite towns for the winter meetings of the herdsmen. There it remained until 1621, when it was removed to Madrid, to be stored in the church of San Martín until the early years of the eighteenth century. It was then installed in its present abode in a house on the corner of the Calle de las Huertas and the Calle de León, across the street from the Royal Academy of History, where it reposed, untouched by historians, for some two hundred years.

In view of all these travels and of its constant use as an arsenal for the ever busy legal staff of the Mesta, the excellent condition and the completeness of the files of documents are remarkable. Out of its total of 6000 or more separate manuscript items, several hundred of which are stout folio volumes, less than twenty sheets are in a seriously damaged condition, and the different series of documents are marred by no important gaps. The Archive is now well arranged and accessible, and its value in fields of research beyond the limits of the present study should prove inviting to other students. Its long and unbroken files of judicial materials, for example, afford a rare opportunity for the examination of mediaeval Castilian judicial procedure and the development of the technique of litigation. The Archive abounds in sources of tempting possibilities in the field of general agrarian history: public lands, commons, forests, etc. In general, its strongest period lies in the sixteenth century, with ample sources both before and after that golden age of Spanish history.

A word on its completeness, before taking up the different sections in detail. An examination of the usual Spanish libraries and archives, both national and local, private and public, brings out at once the fact that they contain few if any sources on the Mesta: a circumstance which is probably the explanation of the absence of any careful study of the subject. For an institution which aroused such prolonged and vehement hatred, the Mesta is surprisingly uninvestigated. The credit for this immunity may be ascribed to the craft of a few of that body's astute legal agents, who, in 1621, secured a royal order by which they were authorized to remove from the great archive at Simancas, and all other public record offices, all documents bearing on the Mesta. These were deposited in the Archive of that organization, where they remain to this day. They were supplemented in

1642 by the fruits of further searches, this time in the private archives of all families which had ever had an official of the Mesta among their members. The thoroughness with which this work was done is evidenced by the rarity of documents outside the archive of which a copy is not to be found in the neatly tabulated bundles of this collection.

16. Indices:
   (*a*) The earliest of these is a list written about 1474, on 142 sheets (n. t. p., n. d.).
   (*b*) Registro de Scripturas de la Mesta (*ca.* 1515). A list of the documents stored in the monastery of Guadalupe. Ms.
   (*c*) Registro de las Scripturas y Executorias que tiene la Mesta (*ca.* 1610). Ms.
   (*d*) *Inventario de los Privilegios, Executorias y demas* . . . (Madrid, 1624). This is a list of documents in the archive at the time of its transfer from Villanueva de la Serena to Madrid. Printed.
   (*e*) Abecedario de las Provisiones . . . sacadas del Archivo de Simancas. (17 vols. ms., begun *ca.* 1625; printed in 1629).
   (*f*) Ymbentario de los Vienes, Executorias, y Papeles . . . de la Mesta. Ms., covers acquisitions of 1645–70.
   (*g*) Ynventario de las Executorias, Libros, y demas Papeles . . . Ms., 1728, 2 vols.
   (*h*) Registro de Escripturas del Concejo de la Mesta (covers 1752–61). Ms.
   (*i*) Inventario del Archivo de la Mesta. Large folio ms., 1832; the last and most useful of these indices, though it must be used only as a chronological guide; its summaries are useless.

17. Cuentas. 13 large folio vols. and 4 bundles, all ms. These are the accounts of the Mesta. They cover the period 1510–1836, with only one gap, 1568–83.

18. Acuerdos. 26 large folio vols. Ms. The minutes of the semiannual meetings, 1499–1836.

19. Executorias. 53 bundles of mss., arranged by towns in alphabetical order. They comprise the briefs, documentary evidence, and decisions in some 3500 suits between the Mesta and various cities and individuals. They range from 1401 to 1836, and form by far the most valuable single group of material in the Archive. They are cited thus: T–2, Toledo, 1488, meaning "legajo (bundle) T–2 of the *executorias* on Toledo, document of 1488." The date does not always indicate the year of the material contained in the document, which is frequently earlier.

20. Provisiones and Privilegios Reales. 15 bundles, ms. These comprise the oldest documents in the archive, the royal charters, beginning with that of 1371, which gives the text of the first one of 1273. Some are beautifully illuminated, and, taken together, they form an unusual collection of the royal autographs of four centuries. These documents are the only ones in the Archive that have hitherto been known to scholars, since most of them were printed, with numerous errors, in the codes cited below (Nos. 75–82).

21. Relaciones de los Alcaldes Entregadores. 62 vols., ms. Reports of these itinerant judicial protectors of the Mesta to the semiannual meetings of that body. 1550–1796.

22. Visitas de Cañadas, Veredas, y Términos. 79 vols., ms. Testimony taken by the entregadores while on their tours of inspection of the sheep highways. 1560–1750.

23. Servicio y Montazgo. 3 bundles, ms. Records kept at the royal toll gates of the flocks as they passed southward. 1585–1720. These are copies of the only considerable body of Mesta materials still remaining in the Archive of Simancas.

24. Pleytos de León, de Soria, de Segovia, y de Cuenca. These comprise about 600 bundles, each containing the ms. records of some 40 or 50 cases heard by the entregadores. They are not of any great importance, because the digests of them appear in the collections cited above (Nos. 21–22).

It should be particularly noted that, although none of the above sets of documents appears to begin previous to 1400 and most of them start well on in the sixteenth century, nevertheless they contain quantities of transcripts of documents, introduced as evidence, which date back to 1250 and before.

2. *The Royal Academy of History (Madrid)*

The valuable collections of this society are chiefly useful for town charters, ordinances, records of local litigations, and royal privileges. In view of the comparative inaccessibility of the catalogue, some of the printed bibliographies listed above (Nos. 1–3, 12) were indispensable. Six of the collections in this archive have *inventarios* or indices: Salazar, Sarmiento, Vargas y Ponce, Mata y Linares, Abella, and Bautista Muñoz. These lists are nearly useless, though they do serve to indicate the general nature of each set of papers. Other collections of the Academy, which are not equipped with such lists, are noted in bibliography No. 1, listed above. Of these six, the first two were the ones which proved most useful in the present investigation; the others contain excellent series of documents on Spanish America, copies of which are probably in the Archivo de Índias, in Seville. The Academy has a number of valuable manuscripts on pastoral affairs in its Traggia and Sempere collections, the latter a splendid repository of almost untouched economic materials. An unnamed set of transcripts of local documents from church and town archives was also very fruitful.

25. Salazar. The volumes most used were marked I–36: Índice del archivo de la Orden de Calatrava: a collection which is now in the Archivo Histórico Nacional. It has been

well indexed by Uhagón (*cf. Boletín de la Real Academia de Historia*, xxxv, pp. 5–167), but this 'I–36' Salazar index gives brief notes on some documents which appear to have been lost in the transfer of the collection to the National Archives.

I–37, 40, and 41: Escrituras y Cartas de Privilegio. Copies of mss. pertaining to the Military Orders, chiefly Calatrava.

K–30 and 31: Rentas Reales and Real Hacienda. Seventeenth-century mss. and prints on royal finances.

O–13 and 15: Privilegios de Burgos. The former has a list of the documents in the cathedral of Burgos; a valuable series, with much on rural conditions, taxation, and land laws.

X–1. Memoriales sobre las Yerbas de Villanueva. Discussions (mostly early prints) of the pasturage of the Mesta's winter home.

26. Sarmiento. Vol. v: Miscellaneous materials on agriculture, chiefly eighteenth century. This collection is mostly on Galicia.

27. Sempere. Papeles Varios sobre Economía Política. 8 vols. Mss. copies compiled by the famous Spanish economist, Juan Sempere y Guarinos. They are numbered 12–24–5, B–124 to –131, inclusive. An indispensable source for any line of investigation in Spanish economics or economic history. The set contains not only many original documents, but also many unpublished papers by their prolific compiler, with valuable notes and citations.

28. Traggia. Vol. 19. Numbered B–153. A digest and guide, with frequent excerpts, to the local archive of Teruel, one of the leading pasturage towns of southern Aragon.

29. Monasterios Suprimidos, Documentos de los. A mass of materials, parts of which are listed in No. 2.

30. Colección de Privilegios, Bulas . . . de las Iglesias de España. Numbered 25–1–C–1 to C–23 inclusive. A valuable compilation of transcripts and lists made by royal command in the eighteenth century, in the course of a search through the archives of the more important churches in the country.

31. Abella. This collection, which is Aragonese, was found useful for local agricultural matter, especially vols. xvii, xviii, xxii, numbered B–151 ff.

32. Colección de Fueros y Privilegios y Ordenanzas de varios Pueblos del Reyno. Numbered 12–19–1/35 ff. An invaluable collection of twenty or more volumes with slightly varying titles.

In addition to these collections, occasional references were found in the Floranes (vols. i, xv), the Velasquez (vols. i, v, vii), and the Salvá (vols, xxxv, xxxix) manuscripts, and in other single volumes numbered E–127, 12–19–2/36 and 2/38.

All of the above are manuscripts, unless otherwise noted.

3. *The Archivo Histórico Nacional (Madrid)*

This collection, which is housed in the upper halls of the National Library in Madrid, is, on the whole, fairly well equipped with indices and guides. It was found to be useful for three groups of material: documents of the Military Orders, especially that of Calatrava; data on various monasteries; and materials on the Royal Council or Consejo Real.

33. Calatrava. The most useful part of this rich collection was the group of Documentos Reales which contains royal privileges to the order. For index, see above, No. 25.

34. Beruela, Lorenzana, Guadalupe, and Oña (monasteries). Documentos Reales: these royal privileges are in the tumbos or collections of parchments of these monasteries. The ones used in the present study are mostly of the twelfth and thirteenth centuries, and deal with pasturage privileges.

35. Consejo Real. A collection of some 2000 bundles of documents, mostly of the eighteenth century, dealing with the business of the Royal Council. Because of the position of the President of the Mesta as senior member of that council, many of its deliberations were taken up with the affairs of the sheep owners. The legajos (bundles) which were most frequently consulted were nos. 48, 227, 434, 752, 817, 819, 877, and 1446, and, in the Sala de Gobierno (a division of the same), nos. 252, 338, 341, 345, 348, 371, 413, 436.

4. *The Biblioteca Nacional (Madrid): Sala de Manuscritos*

Very few documents were found on the Mesta in this collection, which has been indexed in Bartolomé José Gallardo, *Ensayo de una Biblioteca Española* (Madrid, 1863–89, 4 vols). There is only one which deals specifically with the subject (No. 36, below), but several others touch upon it incidentally.

36. Memorial al Rey D. Felipe III sobre la conservación de . . . la Mesta . . . 1619. 6 pp. A memorial to the crown to save the Mesta from the ravages of the reformers of that period. Ms. H–252, pp. 250 ff.

37. Privilegio de Jayme I a la Casa de Ganaderos. Charter of that body of Saragossa, 1218. Ms. 8702. Another ms. on same: Ms. 10332.

38. Relación de lo que han informado los Corregidores . . . de la labranza y crianza. Discussion of rural conditions by agents of the crown, end of the sixteenth century. Ms. 9372.

39. Ordenanzas de Toledo sobre el Ganado vacuno . . . ovejuno. Reports on sheep and cattle in Toledo, 1395–1454. Ms. 13080.

40. Hermandad vieja de Toledo — confirmación para . . . los ganaderos . . . Documents regarding the taxation of sheep, 1338 ff. Ms. 13100.

41. Salanova, Pedro. Apuntamiento por orden . . . sobre tributos. Eighteenth-century definitions of various taxes. Ms. 13126.

42. Cano, Alonso. Papel . . . sobre el origen de la Cabaña real . . . 1764. Ms. 17708. Another copy in the British Museum; also printed in *Biblioteca general de Historia, Ciencias, Artes* . . . i, pp. 5–32 (Madrid, 1834). A florid defence of the Mesta and of the sheep industry, as opposed to agriculture.

43. Fueros y Privilegios de Cáceres. Ms. 430. An important compilation of documents from the town archive of Cáceres, one of the leading places in the western pasturage region. The volume (683 pp.) is indexed in Barrantes, i, pp. 384–388 (see above, No. 6). Many of these documents were printed in Ulloa y Golfin's collection of the same name, which appeared, without title page or concluding pages, about 1676. Only four copies of this Ulloa reprint are known to exist. Many of the documents have to do with the Mesta.

44. Ordenanzas rurales de Sevilla. Ms. D–81. A fourteenth-century collection of 122 articles.

5. *Other National Spanish Archives*

The scarcity of material on the Mesta outside its own collection (see above, p. 404) is especially noticeable in the national Spanish archives not discussed thus far.

45. In the great archive at Simancas, besides the small group of manuscripts on the royal sheep tax already mentioned (see No. 23), there are a few items in the collection called Diversos de Castilla, indexed in 1908 by Julián Paz (titles numbered 117, 909, and 1643).

46. The Archivo de Fomento at Alcalá de Henares is given over to administrative materials of the period since 1700, with a few documents of the previous century. The only sources available there are in the Sección de Hacienda (Treasury), which has one packet of 67 documents on *renta de lanas* (royal income from wool, 1699–1819), and a few items on the royal sheep tax or *servicio y montazgo*.

47. The Archivo de la Corona de Aragón (Barcelona) contains a few documents on the sheep industry in that kingdom during the reign of James II (1291–1327), in the series marked Escrituras de Jayme II.

6. *Spanish Town Archives*

Because of the constant contact between the Mesta and the towns, the importance of the archives of the latter can be understood at once. A systematic search was made in the town collections in those parts of the country where the Mesta had been particularly active. In most cases it was found that the more important documents existed

in duplicate in the Mesta archive, but many others were unearthed (in some cases, literally so) which amply repaid the trouble taken. The town archives are an almost unknown field of research in Spanish historiography. There are signs, however, that this may not long be the case. (See Ballesteros, *Cuestiones históricas*, Madrid, 1913, pp. 197–201, for a brief compilation of references and comments on local archives.) The three most useful and best arranged of these local collections are those at Cuenca, Burgos, and Madrid, named in the order of merit. A secondary group comprises Cáceres, Plasencia, and León.

48. Badajoz. Has much material on Paino y Hurtado, who as a deputy from Badajoz led the fight against the Mesta in the eighteenth century. The minutes of the town council begin about 1570, and touch upon the Mesta occasionally in connection with local pastures.

49. Burgos. Has a serviceable card index, chronological and by subject matter. One of the most orderly and accessible town archives in Spain. Its accounts are complete from *ca.* 1375 to the present time, which makes them the oldest series of any seen in the course of this investigation, and perhaps the oldest in Spain. Palencia claims to have the next oldest.

50. Cáceres. See above, No. 43, for lists of the important documents in this archive from the reign of Isabella, 1474–1504, many of which deal with the Mesta. The town accounts, Cuentas Antiguos, begin in 1503. This archive has several documents on pasturage which date from 1280 on. The town ordinances of 1477, several bundles of manuscripts on waste lands, pastures, and woodland (marked *baldios*, *dehesas*, and *montes*, respectively) also proved fruitful.

51. Cuenca. The most useful local archive in Spain, from the point of view of the present subject, with regard both to the quality of its materials and to their arrangement. As centre of one of the four districts or quadrillas of the Mesta, Cuenca was always prominent in the pastoral history of the country. A large sixteenth-century *Becerro* or compilation contains copies of all documents in the archive before that time. The originals of these are obtainable at once. They date from the year 1300 and cover all phases of the Mesta's activities, especially the functions of its entregadores.

52. Guernica. The ancient capital of Viscaya and of the two adjoining provinces. Though containing little on sheep raising or rural conditions, the archive in the Casa de Juntas is a most valuable repository of materials on local government in the north coast region. There are ms. indices of smaller and less accessible town archives of the vicinity. The accounts begin in the late fourteenth century.

53. Huesca. The centre of industrial activity in mediaeval Aragon. Its archive, which is rich in gild materials, has been described in Ricardo del Arco's *Apuntes sobre el antiguo Régimen . . . de Huesca* (Huesca, 1910). See No. 104. The Biblioteca Provincial of the town also has some ms. materials upon fourteenth-century prices. Cf. *Revista de Huesca*, i, pp. 159 ff.

54. León. Well arranged, but has very few documents previous to the sixteenth century; in general, not so strong a collection as commonly supposed (see Ballesteros, noted above, p. 409); useful on the Mesta for local ordinances of 1584 and royal privileges of 1509 regarding pasturage.

55. Madrid. A large though seldom visited collection, well indexed; exceptionally full on industrial activities of the sixteenth century: gilds, market regulations, prices. On the Mesta, sect. 2 of this collection has four *legajos* on local sheep laws of the seventeenth century. The older materials of this archive have been printed in Palacio, *Documentos del Archivo de Madrid* (Madrid, 1888–1909, 4 vols.), which gives clues to further materials on the relations between the Mesta and Madrid. See No. 108.

56. Plasencia. There is an eighteenth-century inventory of this town archive in the Royal Academy of History, Madrid (25–1–C–7; see above, No. 30), combined with a list of the documents in the church there. Although the documents have been since rearranged, this list can for the most part be readily checked up. Paredes Guillen, the venerable Plasencian, has in his library a valuable set of transcripts of documents from this archive, as well as helpful digests of the materials in other town collections of the vicinity. The town collection is particularly valuable on pasturage law of the first half of the fourteenth century, especially 1310–40.

57. Saragossa. The Archivo Provincial in this city has a ms. copy of the town ordinances of Daroca, one of the pasturage towns of southern Aragon. It also has a set of accounts beginning in 1414. The most valuable archive in this city, however, from the point of view of this study, is that of the Casa de Ganaderos de Zaragoza, a gild of sheep owners established in 1218 and in active life today. Although its archive is not so large or so well arranged as that of the Mesta, it is older and quite as unknown. Its ancient royal privileges and some of its judicial officers' sentences were very useful. Many valuable prints of early documents were also drawn upon. See above, No. 37, for citations of ms. copies of two of the royal privileges of this organization.

58. Segovia. A disappointing collection, in view of the importance of that town as the centre of the wool trade during the regime of the Mesta. Vergara, *Ensayo de una Colección Bibliográfico-Biográfico . . . de Segovia* (Guadalajara, 1903), cites a few documents of pastoral interest (nos. 245–247, 1138). Beyond these the archive has nothing of interest on the Mesta, save a few records of entregador cases.

59. Seville. Has five eighteenth-century reports on the sheep highways of its vicinity, much valuable material on gilds, including details on a local sheep owners' organization; of little use for the period before 1700. See Velazquez, *Archivo Municipal de Sevilla* (Seville, 1859; 2d ed., 1864).

60. Soria. Useful, though not so much so as might be expected in view of Soria's position as the chief city of the Mesta. Some sixteenth-century data on migrations of sheep into Aragon. The town accounts begin in 1547.

61. Toledo. Somewhat difficult of access, but good, especially on local sheep regulations and on market laws. The *Ordenanzas Antiguas de Toledo* (Toledo, 1858) gives indications which are needed in tracing down the complicated filing system in use in the archive.

The archives at the Escorial and at Villanueva de la Serena, where the Mesta archive was stored in the seventeenth century, do not contain sufficient material on this subject to warrant their being listed here.

7. *Archivo del Duque de Osuna* (*Madrid*)

This notable collection is now in the hands of a committee of creditors (Conde de Romanones, chairman). It is not to be confused with the Biblioteca of the Duque, which is in the Biblioteca Nacional (Sala de Manuscritos), and of which a *Catalogo abreviado* was published by José Maria Rocamora in 1882. A brief description of the above archive was published in the *Revista de Archivos* (xv, p. 79) by Francisco Alvarez Osorio, but the truly extraordinary richness of the collection has yet to be revealed. A fairly exhaustive search for materials on pastoral and general rural history uncovered quantities of sources of prime importance. The house of Osuna has long been one of the most be-titled of Spanish families. Through some good fortune, the private archives of most of these titles have been gathered together, and elaborately inventoried, by families, in some twenty or more volumes. Many of these families had their lands in the track of the Mesta migrations, and the result has been the accumulation of hundreds of useful documents on pastoral matters dating from 1285 onward. These deal with every side of the Mesta's activities, and they are especially valuable in that they reflect the opposite views from those frequently expressed in the data in the Mesta archive; for these families were almost the only opponents of the Mesta who were able to stand against it. The families whose collections have been especially consulted are: 62, Béjar; 63, Gibraleón;. 64, Infantazgo; 65, Jadraque; 66, Manzanares; 67, Mendoza; and 68, Santillana. This archive is, perhaps, the most valuable single collection of materials on the general economic history of Spain. The great national archives at Simancas and Madrid are made up to a large extent of official decrees and materials of political and legal import. This collection, on the other hand, ranges through the everyday activities and ordinary life of a large part of the Spanish people, from the year 904 down to the close of the eighteenth century.

8. *British Museum* (*London*)

The Spanish manuscripts of this library have been well catalogued by Gayangos (*Catalogue of Spanish Manuscripts in the British Mu-*

seum, London, 1877, 2 vols.). The collections found particularly useful were:

69. Add. 9915–34, 28303, 28351, 28361–4, and 28423.

70. Eg. 417, 505–513, and 2084.

These deal with local sheep owners' gilds of the fourteenth century, cañada rights, taxes on sheep and wool, and pasturage laws of the sixteenth century. Some valuable early Spanish tracts on economic subjects are bound with these manuscripts.

9. *Archives in Paris*

Here one has the advantage of two carefully prepared inventories: Alfred Morel-Fatio, *Catalogue des manuscrits espagnoles* (Paris, 1881–92), and Ministère des Affaires Étrangères, *Inventaire sommaire des Archives . . . des Affaires Étrangères, Fonds divers* (Paris, 1892); Espagne, pp. 125–217. In the Bibliothèque Nationale, there is but one important manuscript item on the Mesta:

71. Esp. 66. Régistre de confirmations de . . . Charles-Quint, which contains (pp. 11 ff.) the ordinances of the town gild, or mesta, of sheep owners of Baeza, 1552.

The Archives des Affaires Étrangères has, in its Fonds Divers:

72. Esp. 54. Pièces relatives aux tribunaux . . . et finances de la Mesta, 1621–47. This is in Mémoires et Documents, Espagne, T. 47, fols. 144–152.

In the Archives Nationales, Collection Tiran, there is also:

73. Lista de los Señores del Consejo que han presidido en el Concejo de la Mesta . . . 1670–1772.

On another such list, see below, No. 81. The Bibliothèque de Sainte-Geneviève has an important item in two pages of ms. notes in a copy of the *Concordia de 1783* (see below, No. 79), written by one Daunon:

74. (Notes on an interview with Labène, secretary of the French Embassy in Madrid, with regard to Campomanes' intentions and policy toward the Mesta at the time that he was planning the dissolution of that body; *ca.* 1770–1783).

B. Printed Works

The chief collections where the following printed sources have been found are the Archive of the Mesta; the Sala de Raros of the Biblioteca Nacional (Madrid); the Biblioteca del Instituto de San Isidro (Madrid), an excellent collection of early printed books, especially

on legal subjects; the British Museum (London), whose valuable series of collected Spanish tracts (nos. 1320 l 6–10, 1321 k 6 ff. — about 15 volumes) has reposed uncatalogued in its basement since Gayangos' time, some forty years ago; the Hispanic Society of America (New York); and the Königliche Bibliothek (Berlin), which has recently, under Konrad Haebler's direction, built up a good collection of early Spanish prints. The Ticknor Collection (Boston) and the Harvard Law School Library (Cambridge) also have a few items not listed here, but bearing on the general topic of Spanish land law. Pérez Pastor's *Bibliografía* (see above, No. 13) is useful to check up some of the earlier Mesta codes, though he has omitted several.

It is unnecessary here to list the scores of contemporary reprints of laws and decrees on this subject, because these appeared in some one of the compilations here enumerated. Of these reprints there are copies in all of the libraries named above, but the Bibliothèque Nationale (Paris) is especially well equipped with this class of materials (see Morel-Fatio, " Cinq recueils de pièces espagnoles," in the *Revue des bibliothèques*, Jan.–March, 1911).

1. *Mesta Codes and Documents (arranged chronologically)*

75. *Copilación de todas las Leyes y Ordenanças del Honrado Concejo de la Mesta general de Castilla y de León* . . . 34 leaves. N. t. p., n. d. This is the first printed code of the Mesta. Pastor notes a copy in the possession of Sancho Rayon, a Madrid collector. There is also a copy in the British Museum, Add. 9929, fols. 311–343. The final document of this *copilación* is dated 1526, at Toledo, which may be a clue to the date and place of publication, though Pastor, *Imprenta en Toledo* (Madrid, 1887), does not list such a item. In this connection it may be noted that the Mesta accounts (above, No. 17) record expenses in 1516 for printing 1000 copies of certain *Leyes de Juan II*, which are embodied in this *copilación*. This would indicate a piecemeal publication, and not the complete code, as implied by Pastor (above, No. 13), p. 15.

76. *Libro de los Privilegios y Leyes del Ilustre y muy Honrado Concejo de la Mesta* . . . Madrid, 1569.

This code succeeded No. 75. It was revised in 1582, 1586, 1590, 1595, 1609, 1639, and 1681. These were simply compilations, with no attempt at analysis or arrangement. They were all displaced by the *Quaderno* of 1731 (No. 77). Elaborate analyses of most of these will be found in Pastor (above, No. 13), though the 1582 edition, which is in the British Museum, has escaped him. It is interesting to note that the two editions in the Paris Bibliothèque Nationale (1586 and 1595) are from Colbert's library; and the marginal annotations in them indicate that the introduction into France of an organization like the Mesta was contemplated by him, along with the importation of merino sheep.

77. Diez Navarro, Andrés, ed. *Quaderno de Leyes y Privilegios del Honrado Concejo de la Mesta.* Madrid, 1731. The most comprehensive code of the Mesta.

78. *Memorial ajustado hecho en Virtud de Decreto del Consejo del Expediente consultivo que pende en el . . . entre D. Vicente Paino y Hurtado, diputado . . . de Estremadura y el Honrado Concejo de la Mesta.* Madrid, n. d. (1771 ?). This is a preliminary statement of the case which was taken up in earnest in the two volumes noted below (No. 79).

79. *Memorial ajustado del Expediente de Concordia que trata el Honrado Concejo de la Mesta con la Diputación General de Extremadura ante el Conde de Campomanes . . .* Madrid, 1783. 2 vols. This truly monumental compilation contains all of the evidence and arguments at the hearing held by Campomanes on the points at issue between the Mesta and the pasturage province of Estremadura, whose case was presented by Paino y Hurtado (see above, No. 48). All of the royal charters and ordinances, and many documents not available in other works are collected in these two large volumes. See No. 74.

80. *Resumen de los principales privilegios del Honrado Concejo de la Mesta, dispuesto para el uso de los hermanos . . .* Salamanca, 1815. 15 pp. Interesting as indicating the enforcement of many of the most ancient Mesta charters over five hundred years after their promulgation.

81. Brieva, Matías, ed. *Colección de Leyes, Reales Decretos y Órdenes, Acuerdos y Circulares pertenecientes al Ramo de Mesta.* 1729–1827. Madrid, 1828. The last code of the Mesta; supplements No. 77; has a list of all the presidents and meeting places of the Mesta for the period 1500–1827. Cf. No. 73.

82. Gómez Valverde, Manuel, ed. *El Consultor del Ganadero.* Madrid, 1898. A useful compilation of ancient and modern pastoral laws, with brief historical notes.

2. *Local Laws and Ordinances*

The same reason which prompted the examination of town archives (see above, p. 408) explains the presence of this section in the bibliography. There have been listed here only such compilations as were found useful on pastoral laws and practices. Nos. 1 and 12, above, were indispensable in the search for this class of material. It will be noted that practically all of the towns cited are in the central and southern pasturage regions, with a few in the northern wool marketing centres (Bilbao, León, Burgos). For the most part, the materials found in these town codes were on local sheep regulations and the organization of the local mestas, or shepherds' gilds.

(*a*) *Collections of Town Charters*

83. González, Tomás, ed. *Colección de Privilegios, Franquezas, y Fueros.* Madrid, 1829–33. 6 vols. Vols. i–iv, Provincias Vascongadas. Vols. v–vi, Castilla. Local documents from the archive at Simancas. Covers the whole of the Middle Ages.

84. Muñoz y Romero, Tomás, ed. *Colección de Fueros Municipales y Cartas Pueblas . . .* Vol. i (no others published). Madrid, 1847. Covers the period 780–1250. Valuable notes.

85. Larruga, Eugénio, ed. *Memorias políticas y económicas sobre los frutos, comercio, fábricas, y minas de España.* Madrid, 1785–1800. 45 vols. A rich collection of local ordinances and charters, which are to be used with caution, however, since the editor has not always been careful to give the complete texts.

(*b*) *Charters of Individual Towns*

86. Albarracín. *Suma de fueros de las ciudades de Santa Maria de Albarrazin. . .* Valencia (?), 1531.

87. The same. *Ordinaciones y estatutos de la comunidad de Albarrazin.* Saragossa, 1647. Other editions, with important changes, 1678, 1690, and 1696. The *comunidad* was the rural organization of all small towns around the city, for the purpose of administering pasturage and common lands. There were four such *comunidades* in Aragon (see below, Nos. 99, 101, 117), which comprised a total of over 150 small towns, and took in most of the large pasturage districts in that kingdom.

88. The same. *Insaculación y ordinaciones de la ciudad de Albarrazin.* Saragossa, 1655. Other editions, with important changes, 1666, 1678, 1690, and 1696.

89. The same. *Breve instrucción para los jurados de las aldeas de Albarracín.* Saragossa, 1690. Regulation of the aldeas or suburbs of Albarracín.

90. Almotilla. *Ordinaciones del termino de la A.* Saragossa, 1679. Ordinances of a pasturage district near Saragossa.

91. Avilés. *El Fuero de A.* Fernandez-Guerra, ed. Madrid, 1865. Useful glossary.

92. Badajoz. *Ordenanzas de la ciudad de B.* Madrid, 1767. Good material on the pasturage regulations of this ancient opponent of the Mesta.

93. Baena. *Antiguas ordenanzas de B.* Valverde Perales, ed. Cordova, 1907. Has an excellent set of local mesta regulations of the fifteenth century.

94. Bilbao. *Ordenanzas de la noble villa de B.* Bilbao, 1711. Other edition, 1797. Good data on the local wool market of this important export town. These ordinances are not to be confused with the much more famous regulations of the consulado of Bilbao (see next item), which are, bibliographically, much less of a rarity.

95. The same. *Ordenanzas de la ilustre universidad y casa de contratación . . . de Bilbao.* Many editions, beginning in 1737; one of the best is Madrid, 1787. First 17 chapters translated into English, New York, 1824. This trade house or *consulado* (*universidad* is used in the old Spanish sense of *corporation*) handled most of the wool exported from Castile. Its rich archive has recently been made known by the exhaustive work of Guiard, *Historia del Consulado . . . de Bilbao*, vol. i (1511–1659). Bilbao, 1913.

96. Brihuega. *Fuero de B.* Catalina Garcia, ed. Madrid, 1888.

97. Burgos. *Ordenanzas de la Ciudad de B.* 1747. Data on the wool trade, which was concentrated at this point after leaving Segovia en route to the north coast.

98. Cáceres. *Fueros y privilegios de C.* Pedro Ulloa y Golfin, ed. (1676?). This is the valuable compilation referred to above (No. 43). It is unquestionably — from the point of view of the student of general Spanish history — the most valuable compilation of local materials yet published. There are four known copies, one of which is in the Hispanic Society's library in New York, and another in my possession.

99. Calatayud. *Ordenanzas de la Junta de Govierno y Pueblos de la Comunidad de C.* Calatayud, 1751. Another of the four Aragonese *comunidades* (see above, No. 87).

100. Cuenca. *Forum Conche.* B. H. Allen, ed. *University of Cincinnati Studies*, 1909–1910. Other editions of this notable fuero, which served as the model for many later ones (it is dated 1177), are by Cerdá and by Catalán. Allen's is the best, though it has many shortcomings. Cuenca's importance in the Mesta gives special significance to the pastoral regulations of this famous charter.

101. Daroca. *Ordenanzas reales de la comunidad de D.* Saragossa, 1741. (See above, No. 87.)

102. Garde (Valle de Roncal). *Ordenanzas municipales de la villa de G.* In *Cultura Española*, February, 1906, pp. 35–44. Has sixteenth-century pasturage laws.

103. Granada. *Ordenanzas que los muy ilustres señores de G. . . . mandaron . . .* Granada, 1552. Other ed., 1672. This compilation stands next to those of Cáceres and Seville as the most generally useful of the town ordinances and codes here cited.

104. Huesca. *Apuntes sobre el antiguo Régimen . . . de H.*, by Ricardo del Arco. Huesca, 1910. See No. 53. Has good data on sheep taxes and local wool market regulations.

105. León. *Ordenanzas para el Govierno . . . de L.* León, 1669. Has pasturage and sheep regulations of importance because of that city's positions as centre of one of the four districts or quadrillas of the Mesta.

106. Madrid. *Tratado breve sobre las ordenanzas de M.* Madrid, 1660. Torijo, ed.

107. The same. *Ordenanzas de M.* 1791.

108. The same. *Documentos del archivo . . . de M.* Palacios, ed. Madrid, 1888–1909. 4 vols. See No. 55. This collection reprints most of the more important local documents, without notes or citations of sources. Includes a good set of fourteenth-century pastoral laws.

109. Murcia. *Los muy illustres señores M. mandaron imprimir las ordenanzas.* Murcia, 1695. Important because of the use of the commons of Murcia by the flocks from Cuenca and other Mesta towns.

110. Plasencia. *Fuero de P.* José Benavides, ed. Rome, 1896. Ms. copies of this notable code, which is full of pastoral materials, are in the Academy of History (E–126, fols. 168 ff.) and the Biblioteca Nacional (D–714). See also *Revista de Extremadura*, viii (1906), pp. 481–494; iii (1903), pp. 172–181, 433–441.

111. Salamanca. *Fuero de S.* Diputación provincial, eds. 1877. This edition, which is really the work of Villar y Macias, is better than that by

Sanchez Ruano (1870). The town was on one of the three great routes of the Mesta, and has therefore many important sheep regulations in its charter.

112. San Phelipe. *Ordenanzas para el govierno de S. P.* 1750. Local sheep regulations of one of the important towns on the southeastern route of the Mesta flocks from Cuenca.

113. Santiago. *Fueros municipales de S. y de su tierra.* López Ferreiro, ed. Santiago, 1895. 2 vols. The only attempt at a study of all of the local charters of a given town. A valuable source on pastoral matters.

114. Saragossa. *Ordinaciones de la imperial ciudad de Zaragoza.* 1625. Other editions, 1693, 1695. A two-volume reprint, with introductory matter, by Mora y Gaudó, 1908.

115. Seville. *Ordenanças de S.* Seville, 1527, reprinted 1632. Contains a set of ordinances for the local shepherds' gild; on the basis of this, the city long claimed exemption from Mesta laws. Next to the Cáceres collection (No. 98), this is the most comprehensive of any of the local codifications.

116. Soria. *Fuero de S.* Text in Loperraez Corvalan, *Descripción del Obispado de Osma* (Madrid, 1788, 3 vols.), iii, pp. 86–182. Larruga, vols. xx–xxii (see No. 85) gives what purports to be this fuero among other documents on Soria; he omits 237 sections out of 542. Loperraez' copy lacks several important sections as given in the manuscript copy in the Academy of History (12–14–2/37). This code is full of data on pastoral affairs. Because of its date, 1256 (less than twenty years before the foundation of the Mesta), as well as because of Soria's position as the leading city in the Mesta, it is of primary importance.

117. Teruel. *Ordinaciones reales de la comunidad de T.* Saragossa, 1684. See above, No. 87.

118. The same. *Forum Turolii.* Aznar y Navarro, ed. Saragossa, 1905.

119. Toledo. *Ordenanzas antiguas de T.* 1858. See No. 61. Has a number of sections on local sheep laws and the town mesta.

120. Usagre. *Fuero de U.* Ureña and Bonilla, eds. Madrid, 1907. This admirable piece of work stands with Ureña's edition of the Zorita fuero (see below, No. 121) as the best of the larger studies of any single fuero. Cf. López Ferreiro's collection on Santiago, No. 113. This Usagre fuero is equipped with helpful bibliographical data and a good glossary.

121. Zorita. *Fuero de Z.* Ureña, ed. 1911. See above, No. 120.

3. *Other printed sources*

122. Alcubilla, Marcelo Martinez, ed. *Códigos antiguos de España.* Madrid, 1885. Sometimes bound in 2 vols. Contains, among other codes, the *Fuero Juzgo* (*Lex Visigothorum*), *Siete Partidas*, and the *Novísima Recopilación.* It does not give the *Nueva Recopilación* (see No. 142). There are many editions of each of these, but this one, though lacking in extensive commentaries, is accurate and convenient.

123. Aragon. *Colección de documentos inéditos del Archivo General de A.* Vol. xl (1876). Has gild ordinances, notably a set for sheep owners (1333).

124. The same. *Fueros, Observancias, Actos de corte . . . de A.* Parral y Cristobal, ed. Saragossa, 1907. 2 vols.

125. Benavides, Antonio, ed. *Memorias de D. Fernando IV.* Madrid, 1860. 2 vols. Vol. ii is a collection of documents of the period 1295–1312, with a number of Mesta items.

126. Branchat, Vicente, ed. *Tratado de los Derechos . . . al real Patrimonio . . . de Valencia.* Valencia, 1784–86. 3 vols. An indispensable source on the fiscal history of one of the favorite pasture regions of the Mesta.

127. *Bullarium Ordinis Militiae de Alcantara.* Ortega, Brizuela, and Zúñiga, eds. Madrid, 1759.

128. *Bullarium Ordinis Militiae de Calatrava.* Ortega, Baquedano, and Zúñiga, eds. Madrid, 1761.

129. *Bullarium Equestris Ordinis S. Iacobi de Spatha . . .* (Santiago). Madrid, 1719. The three collections just cited include many secular and lay documents. Because of the extensive holdings of the Military Orders in the southern pasture lands, these volumes are of great importance.

130. *Ordenanças de la Real Chancillería de Granada.* Granada, 1601.

131. *Recopilación de las Ordenanzas de la Real Chancillería de Valladolid.* Valladolid, 1765. Usually has bound with it *Varios decretos de S. M. y Autos del Real Consejo.* 1765. These two sets of rules for the high courts at Granada and Valladolid, before which Mesta cases were brought for final appeal, contain several clauses on the procedure in such litigations. They are important also because of the part played by these courts in the breaking down of the Mesta's power.

132. *Cortes de los antiguos Reinos de León y de Castilla,* Real Academia de la Historia, eds. Madrid, 1861–1903. 5 vols. Covers the proceedings of these bodies from their beginnings to 1559, where they are taken up by the next item (No. 133).

133. *Actas de las Cortes de Castilla.* Edited under the auspices of the Congreso de Diputados; in process; 37 vols. Madrid, 1877–1914. Cover 1563–1621. See Merriman, " Cortes of the Spanish Kingdoms in the Later Middle Ages," in the *American Historical Review,* April, 1911, pp. 476–495.

134. *Escrituras, Acuerdos, . . . condiciones de los servicios de Millones.* Several editions; the best is that of Madrid, 1734. These subsidies (*servicios*) were the occasion of many *condiciones* or understandings, before they were voted to the crown by the Cortes. In the first three, 1590, 1597, and 1600, reforms of the Mesta were demanded in lengthy clauses.

Fuero Juzgo: see No. 122.

135. *Memorial Histórico Español.* Real Academia de la Historia, eds. Vols. i and ii (Madrid, 1851) contain documents of Alfonso X, founder of the Mesta. Many of these give data on rural conditions of the time. It may be remarked here that the *Memorias Históricas* of that king by Mondéjar (Madrid, 1777) has very little of value on the present subject.

136. Montalbán, Alfonso de, ed. *Copilación de leyes que mandaron facer . . . Fernando . . . é Isabel.* Huete, 1485. The first important printed compilation of laws and decrees of the Castilian kings. Has many documents on wool selling and pasturage, some of which do not appear in the later revisions.

137. Navarre. *Recopilación y Comentarios de los fueros y leyes de Navarra.* José Alonso, ed. Madrid, 1848. 2 vols. Invaluable for its notes and commentaries on rural legislation.

138. The same. *Fueros del reyno de N.* Pamplona, 1815. The section on *paztos* is one of the earliest pieces of extensive legislation on pasturage in the peninsula. Has an interesting glossary.

139. The same. *Cuaderno de las leyes y agravios . . . de los tres estados del reino de N.* Pamplona, 1819. The proceedings of the notable Cortes of 1817–18, which abolished the local shepherds' gilds in that kingdom.

140. The same. *Novísima recopilación de las leyes de N.* Pamplona, 1735. 2 vols. Has several sections on pasturage, *meztas*, etc.

141. The same. *Diccionario de antigüedades de N.* Yanguas, ed. Pamplona, 1840–43. 4 vols. A rich treasury of sources by the greatest of Navarrese archivists.

Novísima Recopilación: see No. 122.

142. *Nueva Recopilación de las Leyes destos Reynos, hecha por . . . Felipe II* (1567). Madrid, 1640. 3 vols. Has many laws on the Mesta which were omitted from the *Novísima*.

143. Otero, Antonio Fernando. *De Pascuis et Jure Pascendi.* Valladolid, 1632. A compilation of, and commentary on, Spanish pasturage laws. The Paris Bibliothèque National has the only copy found in the course of this study.

Parral y Cristobal. *Fueros de Aragón*, see No. 124.

Partidas, Siete. See No. 122.

144. Ramirez, Juan, ed. *Libro en que están copiladas . . . algunas Bulas . . . é todas las Pragmáticas . . .* 1503. Later reprints, Valladolid, 1540, Toledo, 1550. Has many decrees of the late fifteenth and early sixteenth centuries on wool and sheep. Frequently referred to as the *Libro de Pragmáticas*.

145. *Portugaliae Monumenta Historica.* Herculano, ed. Vol. i of the Leges et Consuetudines has many documents on migatory sheep: cf. index, under *busto, montaticum*, etc.

III. SECONDARY WORKS

Apart from the titles cited below on migratory sheep in countries outside of Spain, very little benefit has been derived from the works of this class. The subject seems to have impressed most writers as being either too unimportant or too obscure to merit careful or exhaustive treatment; hence the brevity of the present list, which includes only those authors who have given the topic more than a passing mention. Of the discussions of the Mesta, those of Cos-Gayon, Moreno Calderón, Camacho, and Colmeiro are the best. Curiously enough, Cos-Gayon's brief survey, the only attempt ever made hitherto at a study of the Mesta specifically, has remained practically unknown from the day of its publication (1869–70) to this.

No subsequent writer, save Haebler, seems to have known of the monograph. All of these just mentioned, as well as the travellers and eighteenth-century observers upon whom they so largely rely, have made use of no original material whatever, beyond the printed codes cited above (Nos. 75–80). This accounts largely for the absence of any natural color or life in the formal pictures which they present. They have attempted the rather extraordinary task of combining the colorless data of the early pastoral codes with the vivid accounts of occasional travellers who saw "millions of sheep feeding on the remains of the commonwealth which they had destroyed." Colmeiro's is perhaps the sanest view, though he, like all the rest, found himself unable to examine the institution as a fundamental phase of Spanish economic development, and looked upon it rather as a peculiar episode, to be regarded as a thing apart from the rest of peninsular history. The one object in the minds of all these and other writers who have taken up the subject seems to have been to indict the Mesta as the guilty party in the decay of Spain. This may or may not have been the case; but certain it is that the institution had many other aspects to its long life, and that both its age and the scope of its activities might suggest other points of view than that which held it up as an obnoxious oddity. Briefer references, such as are to be found in the standard works of Dánvila and Gounon-Loubens, touch upon the Mesta only incidentally, and have been omitted.

A. Discussions of the Mesta

146. Bourgoing, J. F. *Tableau de l'Espagne moderne.* 2d ed. Paris, 1797. 3 vols.

147. Bowles, William. *Introducción a la Historia natural . . . de España.* Madrid, 1782.

148. Bravo, Francisco Hilario. *Noticia sucinta del Origen . . . de la Asociación de Ganaderos.* Madrid, 1849. 15 pp. A good brief summary by one of the officers of the Mesta's successor, the Stock Owners' Association.

149. Camacho, Angel M. *Historia jurídica del Cultivo y de la Industria Ganadera en España.* Madrid, 1912. One of two prize essays (see No. 159); based almost entirely on legal codes.

150. Cano, Alonso. "Noticia de la Cabaña real de España." In *Biblioteca general de Historia, Ciencias. . . . ,* vol. i (only one published), pp. 5–32. Madrid, 1834. This defence of the Mesta was written in 1762. See above, No. 42, for ms. copies.

151. Caxa de Leruela, Miguel. *Restauración de la Abundancia de España.* 1st ed., Naples, 1631; later and enlarged edition, Madrid, 1632, reprinted in 1732. A classical defence of the Mesta by a former entregador, who had also observed the migratory sheep industry in southern Italy.

152. Colmeiro, Manuel. *Historia de la Economía Política en España.* Madrid, 1863. 2 vols. His chapters on the sheep industry are the best discussions of the subject.

153. Cos-Gayon, Fernando. "La Mesta," in *Revista de España*, ix, pp. 329–366, x, pp. 5–39 (Madrid, 1869–70). See p. 419, above.

154. Fribourg, André. "La transhumance en Espagne," in *Annales de géographie*, 15 May 1910, pp. 231–244. Has good maps and notes, and points out how the railroads have supplemented the old methods of migration.

155. Girard, Albert. "L'Espagne à la fin du XVII^e siècle," in *Revue de synthèse historique*, February, April, 1913. Discusses the "ravages of the flocks and the ruthless privileges" of the Mesta.

156. Haebler, Konrad. *Die Wirtschaftliche Blüte Spaniens im 16. Jahrhundert.* Berlin, 1888.

157. Hernandez de Vargas, F. *Memoria sobre el origen y antigüedad de la Lana Merina.* Madrid, 1814.

158. Leonhard, Rudolf. *Agrarpolitik und Agrarreform in Spanien unter Carl III.* Berlin, 1909. Suggestive. Good bibliography.

159. Moreno Calderón, Antonio. *Historia jurídica del Cultivo y de la Industria Ganadera en España.* Madrid, 1912. Awarded second prize in an essay contest on this topic under the auspices of the Madrid Academia de Ciencias Morales y Políticas. See above, No. 149. This work of Moreno seems to have been based upon a much wider field of reading than the winning essay.

160. Randel, J. A. S. *Neuere Staatskunde von Spanien.* Berlin, 1785. 2 vols. Contains a remarkable summary of the views of travellers in Spain on the Mesta.

161. Rio, Manuel del. *Vida Pastoril.* Madrid, 1828. A curious booklet on pastoral life in Castile, by a shepherd. It is dedicated to the Mesta.

162. Rodriguez, Andrés. *De privilegiata possessione Mixtae.* Madrid, 1748. One of the few strong defences of the Mesta during that period.

163. Stumpf, Georg. *Versuch einer pragmatischen Geschichte der Schäfereien in Spanien.* Leipsic, 1785. For nearly a century this curious little book was the only attempt at a pastoral history of Spain. It was the work of a Leipsic landowner, who became interested in the introduction of merino sheep into Saxony, the first experiment of this sort, excepting an early one in Sweden. The interest at the time, as expressed in this rare monograph, was in the supposed necessity of migrations for the flocks.

164. Weiss, Charles. *L'Espagne depuis le règne de Philippe II.* Paris, 1844. 2 vols.

For critical views of the Mesta by observant travellers, see the works cited in Foulché-Delbosc (above, No. 10), by Dillon, Jacobs, Labat, Laborde, Mackenzie, Townsend, and especially Ponz (vol. xi). On the introduction of the merino into other countries, one may consult the bibliography in C. W. Wright, *Wool-Growing and the Tariff* (1912, *Harvard Economic Studies*, vol. v). The best discussion of

this subject is in Lasteyrie, *Geschichte der Einführung der feinwolligen Schafe in die verschiedenen europäischen Länder* (Leipsic, 1804–05, 2 vols). This is a translation and enlargement of the French original, which went through many editions, and was the basis for most of the later comments on the topic.

B. Works on Sheep Migrations other than Spanish

The authorities on this topic are fully discussed above, pp. 17, 140–146, 154–155, notes. In addition to the titles there given on southern Italy, Algeria, Provence and Dauphiné, the Pyrenees, and the Balkans, these may be cited:

165. Cincinnato da Costa, B. C., and Castro, Luis de. *Le Portugal au point de vue agricole.* Lisbon, 1900. Pp. 277 ff.

166. Fabre, L. A. A. "L'État et la dépopulation montagneuse en France." In *Rev. int. de sociol.* Paris, 1909. Similar articles by the same author, all attacking sheep migrations as one of the chief causes of depopulation and agrarian decline, are to be found in *Annales de géographie*, xix; *Bibliog. géog. annuelle*, 1909, p. 95; *Rev. des sci. écon. pol.*, Mar., 1909.

167. Smiljanic. *Hirten und Hirten-Nomaden in Südserbien.* Berlin, 1899.

C. General Agricultural Works

Any attempt to supplement Ramirez's bibliography (No. 15) is quite unnecessary here. Colmeiro's chapters on agriculture and stock raising (No. 152) are deserving of commendation for their utility in the present investigation. Costa, *Colectivismo Agrario en España* (Madrid, 1898), and Cárdenas, *Historia de la Propiedad territorial en España* (Madrid, 1873–75, 2 vols.), are useful on questions of land law, especially on commons.

GLOSSARY

TERMS INDICATING LOCAL TAXES LEVIED UPON SHEEP

THE compilation of a general glossary of pastoral terminology as an appendix to the present study, though undoubtedly useful, has been considered unnecessary, since the more important terms have been discussed in the text. The prevalence of uncommon names in connection with the local taxation of sheep has, however, suggested the advisability of including the following glossary as an item of philological interest rather than of economic importance. Several of the terms here listed, such as *almojarifazgo*, *herbage*, and *yantar*, were applied originally to sheep taxes levied not by a town government but by the lord of the land, whether king, noble, monastery, or military order. These names frequently continued to be used with reference to the given taxes even after they had been alienated by the land owner and had become the property of a local government. The present glossary includes most of the miscellaneous taxes which were collected by towns from Mesta flocks at one time or another in the courses of the Middle Ages and early modern times. The two most important local imposts, the *montazgo* and the *portazgo*, and the ecclesiastical *diezmo* or tithe usually collected by the local church, are omitted because they are discussed at length in the text (pp. 163 ff., 242–244). It should be clearly understood that by no means all of the taxes here enumerated were confined exclusively to sheep. Several of them, for example the *martiniega*, *almojarifazgo*, and *castillería*, were not so limited; they are included here because of the constant difficulties arising between the herdsmen and the local fiscal officials intrusted with the collection of such imposts. Most of the taxes listed in this glossary, however, were assessed only upon flocks, as is indicated in the definitions given.

The sources from which these definitions have chiefly been derived, aside from the manuscripts and codes (*Fuero Juzgo*, *Partidas*, *Nueva Recopilación*, etc.) as noted, are the following:

Berganza, *Antigüedades de España*. Madrid, 1720–21. 2 vols.
Borao, *Diccionario de Voces Aragonesas*. Saragossa, 1884.
Canga Argüelles, *Diccionario de Hacienda*. Madrid, 1833–34. 2 vols.

Colmeiro, *Historia de la Economía Política de España.* Madrid, 1863. 2 vols.

Covarrubias, *Tesoro de la Lengua Castellana.* Madrid, 1611.

Dozy and Engelmann, *Glossaire des mots espagnols . . . dérivés de l'Arabe.* Paris, 1869.

Gallardo, *Rentas Reales.* Madrid, 1820. 8 vols.

Jordana, *Algunas Voces Forestales.* Madrid, 1900.

Llorente, *Noticias Históricas de las Provincias Vascongadas.* Madrid, 1807. 5 vols. Vol. ii, pp. 133–183: "Tributos antiguos de Castilla."

Lopez de Ayala, *Contribuciones é Impuestos en León y Castilla durante la Edad Media.* Madrid, 1896.

Muñoz y Romero, *Del Estado de las Personas en los Reinos de Asturias y León en los primeros siglos posteriores á la Invasión de los Árabes.* 2d ed. Madrid, 1883.

Piernas y Hurtado, *Tratado de Hacienda Pública.* Madrid, 1900–01. 2 vols.

Ripía, *Rentas Reales.* Madrid, 1796. 6 vols.

Saez, *Monedas de Enrique III.* Madrid, 1796.

Idem, *Monedas de Enrique IV.* Madrid, 1805.

Ureña and Bonilla, *Fuero de Usagre.* Madrid, 1907. Valuable glossary in appendix.

Yanguas, *Diccionario de Antigüedades de Navarra.* Pamplona, 1840–43. 4 vols.

Aduanilla: a toll on migrants levied at Badajoz in the eighteenth century. Arch. Mesta, Prov. iv, 26 (1758).

Albala, alvala: originally and usually meant a tax receipt; in the twelfth century it was applied to a customs district; and occasionally, after about 1415, it meant a fee collected when a customs or toll receipt was issued. Dozy, p. 63; Yanguas, i, pp. 25–26, 151; iii, p. 421; *España Sagrada*, xlix, p. 331.

Almojarifazgo: an ad valorem duty collected at the gates of some Andalusian towns upon in- or out-bound goods. The usual rates were five per cent on imports and two and a half per cent on exports. Originally exacted by the Moorish kings, it became the property of Christian royalty, but in various towns it was transferred to the local authorities during the later Middle Ages. *Partida* 2, tit. 9, ley 25, and *Part.* 7, tit. 14, ley 7, and tit. 10, ley 5; *Nueva Recop.*, lib. 9, tit. 24; Llorente, ii, p. 139; *Ordenanças de la Real Audiencia de Sevilla* (Seville, 1603), pp. 101, 103; Dozy, p. 179. On its introduction into Mexico in 1522 see Canga Argüelles, i, p. 34. The best description of it is in the *Ordenanças de Sevilla* (Seville, 1527), pp. 55–61. The last title is the compilation of city ordinances and should not be confused with that of the ordinances of the Audiencia or high court, mentioned above.

Añejo, añojo: a toll on yearling sheep, levied in the vicinity of Toledo. Arch. Mesta, T–2, Toledo, 1539.

Anubda, anuduva, adnuba: no satisfactory definition has yet been offered for this fairly common term, which occurs at least as early as the

eighth century. It seems to have been a local tax, the proceeds of which were used for military purposes, such as repairing fortifications, equipping militia, etc. Lopez de Ayala, pp. 131–133; Dozy, pp. 191–195; Yanguas, ii, pp. 452, 603–604; Muñoz, *Fueros Municipales*, i, p. 14, n. 3; Colmeiro, i, p. 466.

Asadura: a small tax, dating back to the tenth century, originally levied upon or in the form of the viscera (*asadura*) of sheep or cattle. During the later Middle Ages the *asadura* tax was assessed at the rate of one lamb or half a sheep per flock. The term is not to be confused with *asadero*, a villein possessing no oxen but only a spade (*asado*) and paying a local tax, sometimes called the 'tax of the *asadero*,' for the privilege of cultivating part of the town common. Arch. Mesta, B–3, Berlanga, 1496; Llorente, ii, pp. 141–142; Lopez de Ayala, p. 144; Yanguas, ii, pp. 597, 604. The name *asadura* is not derived from *pasadura*, to indicate "a tax paid by flocks passing over seigniorial lands," as has been alleged by Piernas y Hurtado, ii, p. 43, and Pisa, *Descrip. Toledo* (Toledo, 1605).

Atajo: a toll levied on flocks using certain narrow cross-roads (*atajos*). Arch. Mesta, Prov. iv, 26: lists of such tolls collected in the eighteenth century, in the vicinity of Medina del Campo.

Atero, hatero: a tax upon the provision bearer of the migrating shepherds, who was called by the same name. Arch. Mesta, Prov. iv, 27.

Bagages: a contribution of animals to a town for the transportation of the supplies of its militia to the Moorish front. Llorente, ii, p. 142.

Ballestería: a tax levied to maintain the *ballesteros* or crossbowmen of the local militia; town officials were particularly insistent in exacting this tax from passing herdsmen because the latter benefited by the service of the *ballesteros* in preserving order in the rural districts. Llorente, ii, p. 143; cf. Ronda.

Barcaje: a toll levied upon the migrants by town governments for the use of ferry boats (*barcas*) at various points along the Douro, Tagus, Guadiana, and other rivers which were crossed by the sheep highways. At Alconetar, which was sometimes called La Luria, these tolls were called *lurias*. Arch. Mesta, A–5, Alconetar, 1817.

Bestiage: a town tax on all livestock owned by the townspeople. Instances of this impost are found in Navarre as early as 1149. Llorente, ii, p. 144.

Borra: a tax levied upon or in the form of yearling ewes, after which it was named. It came into general use about 1485–90, when it was commonly reckoned at one sheep (not necessarily a ewe) out of every five hundred. Covarrubias, *pal. borra*; Lopez de Ayala, pp. 614–615.

Buey de marzo: a tax paid to the feudal lords by the *labradores* or peasantry; it originated in Alava, and was brought into Castile not long after 1300. Llorente, ii, p. 145; Altamira, ii, p. 56.

Cañada: in Castile, a sheep highway (see pp. 17 ff.), whence the term came to be applied in the eighteenth century to local tolls levied upon the sheep using such ways; this was, in effect, a local adaptation of the royal *servicio y montazgo* (see pp. 257, 261). Arch. Mesta, Prov. iv, 26.

Castillería: a contribution originally exacted from travellers, shepherds, and others using the highways, for the maintenance of the castle-fortresses along the Moorish frontier. It was common as early as the ninth century. Llorente, ii, p. 147; Lopez de Ayala, p. 130.

Cercanía: a fine levied by towns upon flocks in the vicinity of (*cerca de*) recently damaged crops. Arch. Mesta, U–1, Úbeda, 1584; *Quad. 1731*, pt. 1, p. 186 (1563).

Chapitel: a royal, and sometimes local, tax levied in Navarre on the trade in supplies for transients. See above, p. 158, n. 3.

Cordel: a sheep walk about half as wide as a *cañada*, i. e., 130 feet instead of 250. In the eighteenth century the name, like that of the larger sheep highways, was applied to local tolls levied on flocks using the *cordeles*. *Nov. Recop.*, lib. 7, tit. 27, ley 11.

Cuchara: originally a small measure of weight used in levying a tax in kind on grain, whence the term came to be used to designate the tax itself. The supplies carried by the migrants were frequently subject to this impost. Ureña and Bonilla, pp. 140, 271.

Cuevas: a local tax on migrants seeking shelter in neighboring caves. Arch. Mesta, A–6, Almagro, 1570, 1593.

Estanco, estanque: this term occurs in Mesta documents for the first time about 1525, when it meant a ferry toll, levied under a license or concession from a neighboring town. By 1636 it came to be applied to various concessions and monopolies which yielded royal revenues; cf. the *estanco de tabacos*.

Florines: a common sheep tax of the later Middle Ages, which was levied originally in florins. Arch. Mesta, Prov. iv, 26.

Fonsadera: originally a penalty, levied usually by the crown, sometimes by the towns, upon those not participating in a military enterprise (*fonsado*); later, a regular war tax. Muñoz y Romero, pp. 156–157; Llorente, ii, p. 154; Berganza, ii, pp. 56, 689; Saez, *Monedas de Enrique III*, pp. 385–396; Dozy and Engelmann, pp. 192–193; Ureña and Bonilla, p. 284; Colmeiro, i, pp. 466–467; Lopez de Ayala, p. 137.

Guarda: a fee for the maintenance of rural police for the guarding of flocks awaiting assessment. Arch. Mesta, Prov. iv, 26 (1758).

Herrage, herbage, herbático: a tax paid by towns for the use of crown pasturage, demesnes, etc.; occasionally a local tax collected from those using the public lands. Llorente, ii, p. 159; Borao, p. 254.

Hollazgo: a fine assessed by Siruela, Barco de Ávila, and neighboring villages upon flocks which trespassed (*hollar*) upon certain town lands. Arch. Mesta, Derechos, 1828.

Infurción: a contribution paid in recognition of lordship over the soil. Sometimes the term was applied to payments for the right of the *solariego* (villein) to own flocks and herds, or more rarely for exemption from military service.

Luctuosa: see Nuncio.

Luria: see Barcaje.

Mañería: the king's or lord's share (frequently the whole) of an estate for which there were no immediate heirs. Certain southern towns in the

pasturage regions secured the right to collect this tax and applied it severely upon the flocks of any herdsman who died while on his migrations. Saez, *Monedas de Enrique III*, pp. 382–385; Berganza, ii, pp. 422, 690; Yanguas, ii, p. 602; Muñoz y Romero, pp. 158 ff.

Martiniega: a tribute paid on St. Martin's Day in November by vassals to lords in recognition of their vassalage; cf. *infurción*, which it resembled. Saez, *Monedas de Enrique III*, pp. 380–381 (documents of the towns of Pancorvo and Nájera, 1277 ff.); Colmeiro, i, p. 467; Lopez de Ayala, pp. 221–222; Canga Argüelles, *pal. martiniega*.

Mascondos: see Moharrache.

Merchaniegos: animals intended for sale in the town markets, and subject, therefore, to *portazgos* and other local taxes. The name was first used in the time of Ferdinand and Isabella; and it was later applied not only to animals to be sold, but also to the taxes levied upon them (see pp. 43–45).

Moharrache, momarrache: originally a masker or a masquerading party. It was the custom for the *moharraches* to appropriate fowls or lambs for festive purposes. Mesta members especially suffered from this practice because Christmas, Easter, and other great feast days found them far from their northern homes. They came to apply the name of the merrymakers to the contributions which the latter exacted. *Mascondos* had a similar significance, as did also *rey pájaro*. The latter term was originally applied to the leader of certain costumed Christmas roysterers of Plasencia and other Estremaduran cities, and later, like *moharrache*, it was used to indicate the gifts from the shepherds to the revellers. Arch. Mesta, A–1, Abenoja, 1496; Dozy and Engelmann, pp. 308–309; Covarrubias, *pal. momarrache*.

Montanera, montado: see above, p. 163, n. 2.

Nuncio (also called luctuosa): the lord's right to select the best animal of the flock of a deceased vassal. Muñoz y Romero, p. 158; Saez, *Monedas de Enrique III*, pp. 398–415.

Otura: a contribution for the privilege of purchasing animals without knowing the owner of the property purchased; this was in effect a license for trade in stolen property. Llorente, ii, p. 170; Ureña and Bonilla, p. 302. In Navarre the sale of sheep and goats was forbidden unless the rightful owner was present. Alonso, *Recopilación y Comentarios de los Fueros y Leyes de Navarra* (Madrid, 1848, 2 vols.), ii, p. 353; *Nov. Recop. Leyes Navarra* (Pamplona, 1735, 2 vols.), lib. 1, tit. 20, ley 21.

Pasaje: see Peage.

Pata hendida: a tax on swine, sheep, and other cloven footed (hence the name) animals, levied in Burgos and vicinity. See p. 277, n.

Peage, pasaje, paso: a local and occasionally a royal tax collected from flocks, nominally for the use of the highways. Llorente, ii, pp. 170–171.

Pontaje, pontazgo: a bridge toll. Cf. *Nov. Recop. Leyes Navarra*, lib. 5, tit. 5. Arch. Mesta, Prov. iv, 26, shows 35 pontazgos being levied on migratory sheep in Castile in 1758.

Poyos, poyas: a tax paid by strangers, especially itinerant herdsmen and peddlers, for the use of town ovens. Communal bake ovens were and are prevalent in rural districts of Spain and Spanish America. Borao, p. 308.

Quinta: a local fine for trespassing; originally a fifth, but greatly reduced by the sixteenth century. Ureña and Bonilla, p. 128; Yanguas, ii, p. 624; also above, pp. 191, 237.

Recuage or recoage: a royal tax levied for the upkeep of public highways (*recua*: train of pack animals). Llorente, ii, p. 175; Dozy and Engelmann, pp. 329 ff.

Rey pájaro: see Moharrache.

Ronda or roda: a local tax levied to maintain the mounted night watchmen (*ronda*) around the outskirts of the town. Llorente, ii, pp. 177; Saez, *Monedas de Enrique III*, pp. 434–435; Lopez de Ayala, p. 222.

Rufala: a name applied in Badajoz in the reign of Alfonso X to the ecclesiastical *medio diezmo* or half-tithe levied on migratory sheep. Acad. Hist., Ms. 25–1–C–13, p. 284.

Saca: a Navarrese tax on provisions for transients. See above, p. 158, n.

Salgas: a tax levied on migratory sheep for the use of salt licks.

Sanjuaniega: an impost collected on St. John's day from all migratory sheep in the local pastures. The name was also applied to certain local pastures; see above, p. 93.

Sayonía: a fee paid to the *sayon*, a town official, whose functions resembled those of the *alguacil* or constable. This tax was common in Aragon and Navarre; it was rarely encountered by Mesta members in Castilian towns. Borao, p. 329; Yanguas, ii, p. 606; Llorente, ii, p. 177.

Suela: see Zuela.

Verde: a payment for pasturage in green barley, which was fed to the animals as a purgative. Arch. Mesta, T–1, Talavera, 1488; Prov. iv, 26.

Yantar: originally a tribute paid by a town to the king to maintain the royal household during a visit; later it became a regular tax paid in a lump sum by a town to the king. In Navarre this tax was called the *cena*. Migratory herdsmen were always called upon by the towns near which they were pasturing their flocks to contribute toward the *yantar*. Yanguas, ii, pp. 609–610; Saez, *Monedas de Enrique IV*, pp. 63–64; idem, *Monedas de Enrique III*, pp. 420–424; Colmeiro, i, p. 468. Occasionally a *yantar* was collected by the king upon the birth of a royal heir, or when a session of the Cortes was called.

Yerba: a fee exacted from those who cut hay on the commons. Llorente, ii, p. 183.

Zuela, suela, sulla: a tax levied for the pasturing of sheep upon a forage plant with the same or a similar name. Arch. Mesta, Prov. iv, 26.

INDEX

INDEX

Abraham el Barchilon, 13, n. 4.
Abu Zacaria Ben Ahmed, "Book of Agriculture" by, 5.
Acevedo, Spanish jurist, 133, 134.
Achaqueros, 55.
Achaques, 55.
Acorn fodder, 25.
Acuña, Pedro de, 81, 83.
Acuña family, 82, 193.
Adelantado, 232.
Adulas, 24, n. 6.
Africa, merinos probably introduced into Spain from, 4 ff.
Agostaderos, 303.
Agriculture, decadence of, 336 f., 343, 351.
Aguilar, 174, n. 2.
Aillon, 50.
Alançada, 306, n. 2.
Alarcos, battle of (1195), 167.
Albala, 203, n. 1, 264, n. 2, 273, n. 4, 424.
Albarracín, 32, 51, 99, 148, 276, 299, 344, 415.
Albuquerque, Duke of, 232.
Alcabala, 44, 158, n. 3, 166, 260 f., 275, 285, n. 1, 286, 289, 293.
Alcabala de yerbas, 275, 334.
Alcaçonas, 152, n. 3.
Alcalá de Henares, 112.
Alcaldes de apelaciones, 55; *de corral*, 13, 74; *de entre los Cristianos y Moros*, 75; *de los pastores*, 74; *de Mesta*, 13, 55, 79; *de quadrilla*, 13, 55, 75; *de rafala*, 74; *de sacas*, 46; *que acen las entregas de los Cristianos y de los Judios*, 75 f.; the local *alcaldes* and the *entregadores*, 99–104; the crown and the *alcaldes*, 229.
Alcalde entregador, see *Entregador*.
Alcántara, military order of, 157, n. 4, 239, 335.
Alcaraz, 203, n. 1.
Alcaudete, 174, n. 2.
Alcocer, 100.
Alconera, 224, n. 1.
Alcudia, 23.
Alera, 219, n. 4, 224, n. 1.
Alera foral, 300, n. 1.
Alfonso V (the Magnanimous), king of Aragon (1416–58), of Sicily (as Alfonso, 1416–58), and of Naples (as Alfonso I, 1442–58), 154 f.
Alfonso II, king of Asturias, 164.
Alfonso VI, king of Castile (1072–1109) and León (1065–1109), 162.
Alfonso VII (the Emperor), king of Castile (1126–57), 169, n. 1.
Alfonso VIII, king of Castile (1158–1214), 4, 169, n. 1, 186.
Alfonso X (the Learned), king of Castile and León (1252–84), 4, 12, 18, 68, 74, 76, 77, 91, n. 1, 163, n. 1, 165, n. 1, 173 f., 176, 179, 180, 181, 185, 186, 187, 188, 189, 191, 200, 256 ff., 262, 304, 307, 354, 375, n. 1.
Alfonso XI, king of Castile and León (1312–50), 4, 35, 81, 102, 181, 183, 184, 186, 187, 188–192, 193, 194, 195, 196, 200, 210, 252, 258, n. 2, 259 f., 262, 310 f., 354.
Algeciras, siege of, 191, n. 2, 260.
Algeria, sheep encampments in, 10; sheep highways in, 17; pastoral taxes in, 140, 141, 142.
Alhambra, the, 260.
Alicante, 33, n. 3.
Aljubarrota, battle of (1385), 191, n. 2, 193, 199, 311.
Almadén, 19, 23.
Almagre, 24.
Almirante, 232.
Almohad period, the, 4.
Almojarifazgo, 189, 224, 255, 275, 424.

Alms, 55, 289 f., 339.
Alps, the, 298.
Alva, Duke of, 285.
America, 220, 336.
Amistad, 10.
Andalusia, 9, 28, 162, 303, 322, 333, 341.
Andia, 151.
Annuities, 268, 276, 284, 288 ff., 291.
Ansiaux, Maurice, 247; quoted, 244 f.
Apeos, 21, n.
Appeals, 55, 112, n. 1.
Apulia, 155, 156, 298.
Arabic words in the pastoral terminology of Spain, 5.
Arable lands, extension of, 94, 326, 328, 340, 344 f.
Aragon, 51; pastoral terminology of, 12; sheep highways in, 17; organization of its migratory sheep industry, 32, 53; migrations of Castilian sheep into, 36, 323; sheep taxes in, 146–150; the Mesta admitted to, 343 f.
Aranda de Duero, 50.
Aranzada, 306.
Arbustum vitatum, 302.
Arcos, Duke of, 232.
Arles, 143.
Armada, the, 334, 335.
Armstrong, Clement, 44, n. 5.
Asientos, 218, 236 f.
Asociación General de Ganaderos del Reino, the, ix, 50, 62, 206, n. 2, 282, 346, n. 3, 348.
Astorga, bishopric of, 51.
Asturias, 250.
Audiencia de contadores, 278, n. 4.
Audiencias, 106, n. 3, 109.
Autonomy, 135, 192, 209, 231.
Ávila, 19, 113, 123, 231, 269, 319; bishopric of, 51.
Azadores reales, 17.
Azaqui, asequi, 255.

Badajoz, 19, 98 f., 106 f., 175, n. 3, 181, 182, 183, 356.
Baetica, fine wools of, 3.
Baeza, 341.
Bailes, 144.
Baillis, 67.
Baldios, 92, 93, n. 1, 301.
Balivus civitatis, 154.
Balkans, the, sheep highways in, 17.
Balks, in English husbandry, 320.
Baraona, 93, n. 2.
Barbary corsairs, the, 285.
Barcaje, 251, 425.
Barcelona, 38.
Bárdenas pasturage district, 151, 152, 158, 254, 298, n. 3.
Barrachina, Tomás, 299, n. 3.
Barrau-Dihigo, L., 161, n. 1.
Barrio, 164.
Báscones, 219, n. 4, 224, n. 1.
Béarn, 146, 298.
Beggary, the sequence of imperialism, 275.
Béjar, 19.
Béjar, Dukes of, 59, 61, 333.
Belalcázar, 113, 126.
Bellwethers, 24, 26.
Benevolences, 268, n. 3.
Beni-Merines, North African tribe, 4 f.
Berbeja, 164.
Berbers, connection of, with the Spanish sheep industry, 4 ff., 10.
Berlanga, 50.
Bilbao, 34, n. 1, 35, 38, 343, 415.
Black Death, the, 7 f., 35, 193, 297.
Boalares, 150, n. 3, 303, n. 3.
Bolton, Herbert Eugene, 15, n. 2.
Boñar, 91, n. 1.
Bonds, required of Mesta officers, 52.
Borregos, 277, note.
Bosques, 92.
Bourbon, house of, in Naples, 156, 298; in Spain, 291 f., 343 f.
Bourgoing, Jean François, 26, 420.
Boyerizos, 56, n. 1.
Branding, 13.
Brañosera, 164.
Brazacorta, 91, n. 1.
Brieva, Matías, 252, 414.
Briones, 163, n. 1, 170, n. 1.
Bruges, factory of Spanish wool merchants at, 34, 37.
Buendía, countship of, holds as its prop-

erty the office of chief entregador of the Mesta, 81 f., 85, 108, 382, n. 1; sale of the office to the Mesta (1568), 82, 85, 96, 230, 283 f.
Buitrago, 19, 50, 91, n. 1, 106; exemption of, from the jurisdiction of *entregadores*, 374 f.
Bull fights, income from, 15, n. 1.
Burgos, 19, 23, 34, n. 1, 36, 42, 43, 107, 112, n. 2, 172, 281, 343; bishopric of, 51; *Consulado* of, 38 ff., 45, 47; *Cortes* of (1515), 326.
Bustum vitatum, 302.

Caballeros, 89.
Caballeros de la sierra, 89, n. 1.
Cabaña, 5, 24, 43, 59, 307, n. 1.
Cabaña real, 24, 303, n. 3.
Cabaña Real de Carreteros, 22 f.
Cabañeras, 17, 72.
Cabañiles, 17, n. 3, 43.
Cabaños, 56, n. 1.
Cabrerizos, 56, n. 1.
Cáceres, 19, 74, 87, 93, n. 1, 98, 99, 106, 170, n. 1, 182, 183, 185 f., 198, 245, 249, 274, 316, 324, 333, 408, 416.
Cadiz, 162, 257, 347, 348.
Caesar, Julius, 141.
Calahorra, bishopric of, 51.
Calatayud, 99, 148, 169, n. 1, 299; *ligajo* of, 32.
Calatrava, military order of, 60, 80, 86, 106, 190, n. 3, 239.
Calle de las Huertas, 50, 403.
Calles, 17, 69.
Caminantes, 7, 301.
Campaña de Albalá, 234, n. 2.
Campomanes, Count Pedro Rodriguez de, Spanish statesman and economist, 47, 53, 61, n. 1, 70, 99, 126, 127, n. 2, 133 f., 249, 294, 305, 323, n. 1, 345 ff., 351, 357, 414.
Cañadas, 17–22, 89 ff., 113, 237, 250, 252, 259, 308, 317 f., 341, 348; *de hoja*, 21; *Segoviana*, 87; *Toledana*, 87.
Cañariegos, 7.
Capanna, 5.
Cárdenas, Alfonso de, 271, 272.
Carnal, carnau, 145.
Carnerage, 149, 156 f., 254.
Carneros, 158.
Carniceros, 93.
Carpathians, the, sheep highways in, 17, n. 2; pastoral festivities in, 24, n. 1.
Carraires, 18, 143.
Carreradas, 17.
Carreteros, Cabaña Real de, 22 f., 220, n. 1, 334 f.
Carrillo family, 81, 82, 200, 371 ff.
Carrillo, Gomez, entregador-in-chief, 81, 200, 371.
Carrillo, Gomez, grandson of the preceding, proprietary entregador-in-chief, 81; his commission, 371 ff.
Cartagena, 182.
Carta general, 213.
Cartas de pax, 298.
Carthaginians, the, 7.
Casa de Contratación, the, at Seville, 40.
Casa de Ganaderos, the, of Saragossa, 31, n. 1, 32, 51, 69, 70–73, 147 f., 155, 159, 299 f., 410.
Castejon, *see* Ruiz de Castejon.
Castile, union of, with León, 167.
Castillería, 251, 398, 426.
Castro, Antonio de, 120, n. 1.
Catalonia, sheep highways in, 17; growth of migratory sheep raising in, 141.
Cateau-Cambrésis, peace of (1559), 285.
Catharine, daughter of John of Gaunt, queen of Henry III of Castile, 4.
Catharine, sister of John II of Castile, 264, n. 1.
Catholic Kings, the, *see* Ferdinand Isabella.
Caxa de Leruela, Miguel, 26, 125, 339, 420.
Censo, 289, n. 1, 290.
Censors, Roman, 154.
Centocellas, 165, n. 1.
Chamorras, 29.
Chancillerías, the, at Valladolid and Granada, 72, 78, 84, 95, 111–116, 122–126, 128,–131, 218, 229, 230 ff., 234 f.,

236 f., 241, 245 f., 278, 285, 315, 316, 332, 336, 356, 418.
Chapitel, 158, n. 3, 426.
Charles V, Holy Roman emperor (1519–56), king of Spain (as Charles I, 1516–56), 14, 26, 28, 36, 38, 44 f., 96, 113, 227–232, 235, 241, 279–283, 308, 327 ff., 331, 332, 341, 356.
Charles II, king of Spain (1665–1700), 128, 244, 245, 250, 291, 342.
Charles III, king of Spain (1759–88) and of the Two Sicilies (at Charles VII, 1735–59), 23, 61, n. 1, 70, 97, 126, 132 ff., 155, 156, 157, 249, 251, 293 f., 317, 321 f., 345 ff., 357.
Charles IV, king of Spain (1788–1808), 252, 346.
Cheese, tolls in, 144, 363.
Chile, 140, n. 1, 141.
Christmas eve, merrymaking on, 57 f.
Church, the, claims stray animals, 14 f., 241; assumes an aggressive attitude toward the Mesta, 123; collects the *cruzada* and the *diezmo*, 241 ff.
Churro, 6, 7.
Ciara, 174.
Cicero, 69.
Cid, the, 162.
Cinco cosas vedadas, see *Cosas vedadas*.
Ciudad Real, 112, 218, 252.
Clippers, 29.
Clipping, 29.
Cock, Enrique, cited, 46, n. 3.
Cofradías, 35.
Colbert, French statesman, 343, 344, 413.
Colmeiro, Manuel, 247, 402, 419, 421, 422.
Colmenares, 93.
Comisionados, 213–216.
Comissarios de la cruzada, 15, n. 1.
Commerce, *see* Trade.
Common of estovers, in England, 306, n. 3.
Common of shack, in England, 304.
Commons, 92, 144, 148, 303, 305, 310 f., 319, 335, 344, 345, 348.
Compañero, 187 f.
Company of the Five Gilds, the, 47.
Competition, a bugbear, 322.
Comuneros, revolt of the (1520–21), 104, 228, 233, 281, 355.
Comunidades, leagues of pasturage towns, 32, 99, 115, 146, 148, 216, n. 2, 287 f., 299, 332, 355.
Concejos, 10, 103, 112, 306.
Conciliar government, 246.
Concordias, 55, 205 f., 218, 236 f., 248, 251, 252.
Condestable, 232.
Condiciones de millones, 120 f., 287 f.
Conductores, 298.
Conquistadores, the, 9, 134.
Conscription, 57.
Consejo de las Órdenes, 127, 239.
Consulado (foreign trade house) of Burgos, 38 ff., 45, 47.
Consumos, 47.
Contadores, 54.
Contaduría Mayor, the, 278.
Cordeles, 20, 426.
Cordones, 17, n. 3.
Cordova, 182, 183, 198, n. 4, 216, 218, 252, 333.
Cordova, Gonsalvo de, 155, 215.
Coria, 23, 182, 185 f., 198.
Corrales de mostrencos, 93.
Corregidores, 44, 80, 104, 121 f., 218, 226, 228, 229 f., 251, 286, 287, 320, 334.
Cortes, the, 20, 88, 91, 94 f., 100, 102, 103, *et passim*.
Cortes, Hernando, 134.
Coruña, 281.
Cosas vedadas, 303 f., 311, 319.
Cotswold region, the, in England, 315.
Couserans district, the, 144.
Cows, 24.
Cruzada, 15, 241 f.
Cuenca, 19, 21, n. 2, 28, 29, 50, 51, 101, 113, 195, 199, 231, 281, 287, 318, n. 6, 322; archive of, 409; bishopric of, 129, 195; *cañada* of, 87; *fuero* of, 416; province of, 31; *quadrilla* of, 51.
Cuerdas, 17, n. 3.
Cueva, Beltran de la, 265, 267.

Daroca, 99, 148, 299, 344, 416.
Debasement of the currency, 284, 291.

Defesa, 303.
Deforestation, 306 ff., 320 ff., 328, 333, 337, 341, 351.
Dehesa de labor, 303.
Dehesas, 239, 303, 305, 313.
Dehesas boyales, 93, 95, n. 2, 303.
Dehesas de bueyes, 298, n. 3, 303.
Deheseros, 95, n. 2.
Democracy, characteristic of Spanish political machinery during the Middle Ages, 49.
Derecho de pata hendida, 277, note, 288, n. 4, 427.
Derechos, 237.
Desafiamientos, 355, n. 1.
Deslindes, 21, n.
Detail, attention to, in Spanish political machinery during the Middle Ages, 49.
Diezmo del mar, export tax collected at ports, 40 f., 46, 256.
Diezmos, export and import duties, 41, 242, 255 f.; tithes, 184, 240, 241–244, 248.
Divisa, 303.
Doblas de oro cabeza, 129.
Dogana della mena delle pecore di Puglia, 69, 159.
Doganiere, 69.
Don Benito, 50.
Dulas, 24, n. 6.

Elbora (Evora ?), 152.
Eleanor Plantagenet, daughter of Henry II of England, queen of Alfonso VIII of Castile, 4.
El Grande, title of Philip IV of Spain, 340.
El Justiciero, title of Alfonso XI, 188.
'Emergency' contributions, 291.
Empleadismo, 62.
Encencerrados, 24, 26.
Encia, 151.
Enclosures, 92–95, 301–304, 308–312, 327, 329, 331 ff., 334–337, 340 f., 348; in England, 315.
Encomendero, 246, n. 2.
Encomiendas, 239 f.
England, 275; supposed introduction of merinos from, 4, 35; shipment of wool to, 29, 34, 37; administration of justice in the rural districts, 67 f.; similarity of pasturage conditions in England and in Castile, 313 ff., 344.
Enquêteurs, 67.
Entrega, 76.
Enriquez, Alonso, lord of Villalba, 219, n. 1.
Entail, 325.
Entregador (*alcalde entregador*) of the Mesta, 20, 43, 52, 180, 187 f., 193, 209, 213, 217, 218, 230, 231, 241, 245, 248, 309 f., 318, 319, 332, 333, 336, 340, 342, 346, 355, 356; origins, 67–85; the *entregador* and the towns, 86–116; decline, 117–135; proceedings in the court of an *alcalde entregador* (1457), 376–381; instructions to *entregadores* promulgated by Charles V (1529), 382–387.
Entrepanes, 320.
Entrepreneurs, in the English cloth industry, 38.
Erosion, 307.
Escalona, 19.
Escorial, the, 19, 54, 59.
Estadales, 306, n. 2.
Estantes, 57, 92, 121, 238, 258, 278, 341.
Estremadura, important pasturage province, 28, 112, n. 2, 133, 134, 181, 186, n. 2, 250, 293, 294, 302, 303, 318, 322, 333, 335, 341, 345; home of many of the *conquistadores*, 9, 134.
Exemption from military service, 57; from visitation of entregadores, 124 f., 128, 355; from sheep taxes, 161 ff.; from local montazgos and portazgos, 168, 170 f., 174, 194, 202; from *pechos*, 201, n. 2, 202, n. 1, 270.
Éxidos, *éjidos*, 303, 305, 310.
Export duties, 31, 46, 275, n. 3, 292, 293.
Exportation of sheep from Spain, forbidden, 36.

Facerías, 298.
Fairs, 30, 74. *See* Medina del Campo.
Fanegas, 58.

Ferdinand II (V of Castile, III of Naples) (the Catholic), king of Aragon (1479–1516) and Sicily (1468–1516), 6, 13, 14, 15, 20, 22, *et passim*; local sheep taxes during his reign, 208–226; royal sheep taxes during his reign, 270–274; his pasturage policy, 316–325.
Ferdinand I, king of Castile (1033–65) and of León (1037–65), 164, 167.
Ferdinand III (the Saint), king of Castile (1217–52) and of León (1230–52), 77, 169, n. 1, 171, 177, 180, 256, n. 1.
Ferdinand IV (the Summoned), king of Castile and León (1295–1312), 101, 102, 181, 182, 188; concession of jurisdiction over strays, 368 ff.; exemption granted to Buitrago, 374 f.
Ferdinand VI, king of Spain (1746–59), 131, 344.
Ferdinand VII, king of Spain (1814–33), 252, 294, 346.
Fernández de Arevalo, Juan, 81.
Feudal land taxes, preceded by sheep taxes, 141, 353.
Field drivers, 74.
Fires, in the Castilian forests, 307.
Flanders, 29, 34, 37, 321, n. 3.
Flemish satellites of Charles V, 38, 45, 227, 280, 281.
Florence, Spanish factory at, 37.
Foggia, fair at, 30 f.
Forasteros, 76, 98, 253, 300, 313, 357.
Foreign exchange, operations of, 38.
Forest conservation, measures of, in Castile, 307, 320 ff., 328.
Forest laws, the, of mediaeval England, 67.
Foxes, 334.
Framontanos, 17 f.
France, 67, 68, 275, 348; sheep taxes in, 140, 141, 142–146, 163, n. 2.
Francis I, king of France (1515–47), 281.
Frederick II, Holy Roman emperor (1212–50), 69, 154, 298.
Fuenleal, Sebastian Ramirez de, ecclesiastic and administrator, 9.
Fuero Juzgo, 18, 301, 305, n. 3, 418.
Fuero Real, 304.
Fuerte Escusa, 113.
Fuggers, banking family of Augsburg, 282 f., 286, 327, 333, 341.
'Futures,' dealings in, 41, 42.

Galianas, 17, n. 3.
Galleys, the, 70, n. 1.
Ganado, 5.
García Icazbalceta, Joaquín, Mexican historian, 9, n. 1.
Genoese bankers, 227, 335.
German bankers, 227.
Golfines, 89, 184, 188, 190, n. 3, 240.
Gomez de Agreda, 215.
Gonzalez de Sepúlveda, 215.
Goths, the, 7.
Gounon-Loubens, Jules, 247.
Grain, transportation of, 23.
Grain fields, 18, 89, 303, 305, 319.
Granada, 231, 333; capture of (1492), 42; ordinances of the town mesta of (1520), 364–367; kingdom of, 179, 224, 317; *chancillería* of, see *Chancillerías*.
Grey, 24, n. 5.
Guadalajara, 213.
Guadalquivir, the, 19; valley of, 3, 19, 250, 302.
Guadalupe, 19, 50, 54; monastery of, 59, 267.
Guadarrama, Sierra de, 19.
Guadiana, the, 19; valley of, 23.
Guardas de huertas, 89, n. 1.
Guardas del verde, 89, n. 1.
Guardia civil, 89, n. 1.
Gutierrez de Cárdenas, 268, n. 3, 273, n. 3.
Gypsies, 42, 57, 126.

Haiti, 291.
Hapsburg, house of, 93, 105, 117, 120, 123, 227, 275, 328, 337, 342, 352, 353.
Hatos, 24, 57.
Henry II (of Trastamara), king of Castile and León (1369–79), 112, 162, n. 2, 165, n. 3, 192, 194, 195–198, 200, 262, 311, 354, 355.
Henry III (the Invalid), king of Castile and León (1390–1406), 4, 81, 192, 193, 200 ff., 354.

Henry IV (the Impotent), king of Castile and León (1454–74), 5, 40 f., 46, 81, 82, 83, 193, 194, 202, 204 f., 208, 211, n. 1, 212, 262, 264–269, 270, 271, 312 f., 319, 355.
Henry I, king of England (1100–35), 67, 68.
Henry II, king of England (1154–89), 34, 67.
Henry (d. 1445), third son of Ferdinand I of Aragon, 263, 264.
Herbage, 157, 426.
Heredamientos, 310.
Hermandad, the national, 42 f., 212; local *hermandades*, 43, n. 1, 115, 252.
Hog reeves, 13, 74.
Hojas, 21, 320, 328, 344.
Holy Alliance, the, 348.
Hombres buenos, see *Omes buenos*.
Horse fair, the, at Cáceres, 74.
Horses, 24, 177, 244, n. 1, 248, 303.
Huelamo, 31.
Hunting privileges, injurious to agriculture, 332, n. 4.

Iberians, the, 7, 15; supposed sheep highways of, 17 f.
Icazbalceta, *see* García Icazbalceta.
Imperialism, Spanish, 275, 280 ff.
Import tariffs, 36; French, 145.
Infantazgo, Dukes of, 21, n. 2, 59, 122.
Inquisition, the, 338.
Insaculación, 52.
Intendentes, 291 f.
Invernaderos, 303.
Investments, 55, 284.
Iron, transportation of, 23.
Isabella I (the Catholic), queen of Castile (1474–1504), 6, 13, 14, 15, 20, 22, *et passim*; local sheep taxes during her reign, 208–226; royal sheep taxes during her reign, 270–274; her pasturage policy, 316–325.
Italian satellites of Charles V, 38, 45.
Italy, 5, 24, n. 1, 293; sheep highways in, 17; sale of pastoral products in, 30 f.; organization of the migratory pastoral industry, 69 f.; sheep taxes, 140, 141, 142; pasturage problems in, 297 f.

Jamaica, 291.
James I (the Conqueror), king of Aragon (1213–76), 150, 156, 157, 299, n. 1.
James II (the Just), king of Aragon (1291–1327), 150, n. 3, 157, 408.
Jews, 38, 217, 258, 351.
John I, king of Castile and León (1379–90), 81, 112, 129, 193, 197–200, 262.
John II, king of Castile and León (1406–54), 5, 81, 82, 192, 193, 202, 205, 262.
John of Gaunt, 4.
Jovellanos, Melchor de, Spanish economist, 347.
Judaism, 25.
Jueces (juezes) pesquisidores, 213–216, 226, 228, 232–236, 277 f., 318, 326.
Juez comisario, instructions to (1489), 398 ff.
Juez conservador, the, of the *Carreteros*, 22, 220, n. 1.
Juez de comisión, 214, n. 1.
Juro de yerbas, 285, n. 1.
Juros, 268, 270, 276, 284, 285, n. 1, 288 f., 291.
Juros de heredad, 268.
Justices in eyre, 67.
Justicia, the, of the Saragossan *Casa de Ganaderos*, 70–73.

Kind, taxes in, 225 f.
Klein, J., "Los Privilegios de la Mesta de 1273 y 1276," 306, n. 1.

Laborde, Alexandre de, 26, 421.
La Mancha, 19, 190, n. 3, 302, 303.
Lammas land, in England, 304.
Lana merina, 5.
La Rochelle, Spanish factory at, 37.
Las Huelgas, monastery of, 169, n. 1, 267.
Las Navas de Tolosa, battle of (1212), 162, 169.
Las Siete Partidas, see *Partidas*.
Ledesma, Count of, *see* Cueva.
León, 23, 28, 29, 50, 51, 130, 234, 287, 322; bishopric of, 51; *cañada* of, 87; kingdom of, united with Castile, 167; *quadrilla* of, 51.

Leonora (Eleanor), Queen, 82, n. 2.
Lepanto, battle of (1571), 335.
Lerma, Duke of, Spanish minister, 287.
Leruela, *see* Caxa de Leruela.
Letux, *cofradía* of shepherds of, 32.
Ley de Toledo, 212.
Leyes de Toro, 325.
Lezda, 30, 158, n. 3, 166, n. 1, 261, note.
Libro de la Montería, 307 f.
Licenses for enclosures, 95 f.
Licinian law, the, 154, n. 1.
Ligajos, 12.
Ligallos, 12.
Linares, bishop of, on ecclesiastical claims to stray animals, 15, n. 2.
Loans, 117, 279–283, 335.
Locust, the, 7.
Logroño, 19, 39, 174.
London, Spanish factory at, 37.
Lonjas, 29.
Lopez de Chinchilla, 213, 215.
López de Orozco, Iñigo, entregador-in-chief, 81.
Lot, election by, 52.
Louis XII, king of France (1498–1515), 145, 155.
Louis XIV, king of France (1643–1715), 343.
Lugares vedados y dehesados, 303.
Luna, Álvaro de, 193, 202, 206, n. 1, 264 f.
Lutherans, 281.

Madrid, 21, 22, 23, 61, 75, 93, n. 1, 112, 206, n. 2, 312, n. 1.
Madrigal, Cortes of (1476), 210.
Maestrazgos, 279, 282 f., 327.
Maestro de escuela, 123.
Maiorinus, royal magistrate of mediaeval Castile, 3 f., 5, 6.
Malpartida, code of, 49, 322, 323.
Manadas, 24.
Manrique, Rodrigo, 271.
Mansos, 26.
Maqueda, Duke of, 232, 283, 287.
Maravedi, value of the, 58, n. 7, 279, n. 1.
Marina, 4.
Marketing of wool, the, 30–48.
Mastines, 24.
Maximilian I, Holy Roman emperor (1493–1519), 280.
Mayoral, 24.
Mayorazgos, 325, 336.
Mechta, 5, 10.
Medina del Campo, 29, 34, n. 1, 39, 42, 50, 112, 333, 343.
Medios diezmos, 240, 242 ff., 428.
Mencal, metcal, mitical, 199, n. 3.
Mendez de Silva, Rodrigo, 129.
Mercantilism, 37, 94, 156, 329, 343, 344, 351.
Merchaniegos, 28, 43 f., 225, 427.
Mérida, 19, 333.
Merino, magistrate, 3 f., 5, 76, 80.
Merino sheep, origin of the 3–6; improvement of, 7; importance of, 7 f., 357; exported from Spain, 47, 349; present number of, in Spain, 349.
Messari, 154.
Mesta, the, *see* Contents; the Mesta archive, 197, n. 1, 402–405.
Mesteños, 10, 12, 13, 14, 55.
Mexía, Jorge, attorney-general of the Mesta, 217, 218, 324.
Mexico, the Mesta code in, 9, 276; mining in, 9, 23; treasures of, 227.
Mezclados, 10.
Meztas, 11.
Middlemen, 41 f., 45, 47, 325, 329.
Mieses, 305.
Military orders, the (Alcántara, Calatrava, Montesa, Santiago), 14, 21, 24, 127, 162, 172, 173, 177, 187, 199, 239 ff., 279, 293, 318, 327, 337, 407, 418.
Millones, 58, 120 f., 287 f., 289, n. 1, 292, 334, 340.
Miraglo, 174.
Mixta, 11.
Mojaraches, 58, n. 1.
Mojonamiento, 103, 309, 376–381.
Mojones, 312.
Momarraches, 58, n. 1, 427.
Money economy, rise of, 225 f.
Monopolies, 41, 286.
Montadego, montado, 163, n. 1.
Montadigo, montadgo, 152.
Montagium, montage, 149, 163, n. 2.

Montalbán, 50.
Montanera, 163, n. 2, 427.
Montanneros, 89, n. 1.
Montaticum, 148, 152, n. 3, 163, n. 2, 168, n. 2, 169, n. 1.
Montazgo, 148 ff., 156, n. 2, 163 f., 166–186, 178–207, 220, n. 2, 222, 237, n. 3, 241, 250, 254 f., 262, 306, 354.
Montearagon, *cañada* of, 87.
Montes, 149, 163, 174, 178, 180, 255, note, 318.
Montesa, military order of, 239.
Montes realencos, 299.
Montitium, 163, n. 2.
Moors, 42, 297, 353; indebtedness of the Spanish migratory pastoral industry to, 5 ff.; expelled, 156, 162, 220.
Morales, Ambrosio de, quoted, vii, 357.
Moriscos, 94, 285, 318, n. 2, 326, 337, 351.
Morrueco, 5, 24, 26, 220, n. 2, 273, 277, note.
Mostrencos, 10, 14 f., 55, 75, 89, 241 f., 276, 289, 368–370.
Mountains, as a unifying influence, 145.
Movable property, significance of sheep dues as a pre-feudal tax on, 141, 353.
Muladares, 93.
Mules, 24, n. 6, 303, n. 3.
Muñio Nuñez, Count, 164.
Murat, Joachim, king of Naples (1808–15), 156, 298.
Murcia, city, 113, 174, 218, 234 f.; kingdom, 19, 250, 263, 271, n. 3, 317.
Mustang, 10, n. 6.
Mutton, use of, 25; supposed medicinal qualities, 25, n. 5.

Nájera, 163, n. 1.
Nationalism, 104.
National markets, growth of, 28, 223.
Navarre, 419; pastoral terminology of, 11, and Glossary; sheep taxes in, 30, 150 ff.; migrations of Castilian sheep into, 36, 150 f., 323; migrations of Béarn herdsmen into, 146; royal sheep taxes in, 158, 198; royal demesne pastures, 298 f.
Net, 25.
Netherlands, the, 275, 285.
New England, hog reeves in, 13.
New Spain, 9.
New World, the, 15, 275, 276, 326.
Normandy, 67.
North Africa, 140, 297.

Ocaña, Cortes of (1469), 211.
Olivarez, Count, Spanish statesman, 287, 291, 339.
Olmedo, 112.
Omes buenos, 103, 309, 377.
Oña, monastery of, 169, n. 1.
Oporto, 152.
Orchards, 18, 303, 305, 319.
Ordenamiento de Alcalá (1348), 191, n. 3, 192.
Orgaz, 190, n. 3.
Orozco family, 193.
Osuna, bishopric of, 51.
Otero, 10, n. 2.
Oveja encencerrada, 220, n. 2, 273.
Ovens, communal, 427.
Oviedo, cathedral of, 164, n. 1, 171, n. 2.
Oxen, care of, 303, n. 3; used by the *carreteros*, 22 f.; ox carts, 22, 23; ox pastures, *see Dehesas boyales*, *Dehesas de bueyes*, *Dehesa de labor*.

Pacheco, Juan, Marquis of Villena, 265, 267, 271.
Pack trains, 24, 25.
Paino y Hurtado, Vicente, 106, 409, 414.
Palencia, 19; Cortes of (1313), 76 f.
Palmos, 89.
Pámpanos, 304, 328.
Pan, 176.
Panes, 320.
Parideras, 26.
Paris, Parlement of, 246.
Partidas, the, code of Alfonso X, 74, 166, 173 f., 180, 191, n. 3, 192, 304 ff., 307, 419.
Pasaje, 210, 250, 427.
Pasajeros, 7.
Pasantes, 7.
Pasos, 250.

Pasquerages, 143.
Passerie du plan d'Arrem, the, 146.
Pastio agrestis, 153 f.
Pastores, 56, n. 1.
Pastorias, 24.
Pastos comunes, 92 f., 313.
Pasturage, 92, 115, 133, 177; early pasturage problems, 297–313; the supremacy of the Mesta's pasturage privileges, 314–330; the collapse of the Mesta's pasturage privileges, 331–349; Otero on Spanish pasturage laws, 419.
Pata hendida, derecho de, 277, note, 288, n. 4, 427.
Peage, 294, 427.
Péages, 143.
Peaje, 158, n. 3.
Pechos, 58, 158, 201, n. 2.
Pena, 221.
Peñas de San Pedro, 174, n. 2.
Pensio, 154, 254.
Perez de Monreal, Hernán, 84.
Personeros, 80.
Peru, 227.
Peter IV (the Ceremonious), king of Aragon (1336–87), 6.
Peter (the Cruel), king of Castile and León (1350–69), 81, 162, n. 2, 165, n. 3, 192, 194 f., 262, 311.
Philip II (Augustus), king of France (1180–1223), 68.
Philip II, king of Spain (1556–98), 15, 46, 54, 77, 78, 92, 94, 107, 113, 114, 115, 116, 118, 157, 230, 232, 235, 236 ff., 244, 245, 284, 285, 286, 287, 331–338, 341, 352, 356.
Philip III, king of Spain (1598–1621), 246, 337.
Philip IV, king of Spain (1621–65), 107, 291, 339.
Philip V, king of Spain (1700–46), 45, 73, 131, 250, 291, 344.
Pizarro, Francisco, 134.
Plasencia, 19, 23, 58, n. 1, 85, 99, 106, 165, n. 3, 168, 217, 245, 252, 274, 333, 410, 416, 427; bishop of, 243.
Ponferrada, 23.
Pontage, 156, n. 2.
Pontaje, 210, 427.
Pontazgo, 251, 427.
Pork, a favorite food in Spain, 25.
Porquerizos, 56, n. 1.
Portaticum, portagem, portadigo, 165.
Portazgo, 33, 158, n. 3, 163, 164–168, 178, 223 f., 241, 251, 254 f., 294.
Portazgueros, 166, n. 2, 224, n. 1.
Portsmouth, customs reports of, 34.
Portugal, 19, 36, 146, 152, 163, n. 2, 275, 323.
Portuguese wars, the, 57, 124, 128, 200, 208, 248, 291, 311, 341.
Posesión, 92, 298, n. 3, 300, 322 ff., 327, 333, 334, 339, 343.
Potteries, 23.
Poza de la Sal, 23.
Prados de guadaña, 303.
Praetor, 69.
Pragmáticas, 247, 340.
President of the Mesta, duties of the office, 52; importance, 53; assigns districts to entregadores, 87, 91; duties as superintendent of entregadores, 127 f.; salary, 289.
Price revolution of the sixteenth century, the, 45, 284, 326 f.
Procuradores, of the Mesta, 27, 54, 56, 103; credentials of a *procurador* (1528), 388 f.; *de Corte*, or *de chancellerías*, 56; *de dehesas*, 56; *de puertos*, 56.
Propaganda, work of, 15.
Protestants, campaigns of Charles V and Philip II against, 15, 275.
Provence, sheep highways in, 17, 18; sheep taxes in, 141, 142 ff.
Publicani, 154.
Puertos antiguos, 266.
Puertos del mar, sea coast custom stations, 256.
Puertos reales, royal toll gates, 154, 173, 259, 266, 281, n. 3, 283, 288, n. 2.
Puertos secos, border custom houses, 41, 45, 256. 276.
Pujas, 324, 329.
Pulvérage, 144.
Punic wars, 297.

Putting out system, in the Spanish woollen cloth industry, 37 f.
Pyrenees, migratory flocks in the, 142–146, 298.

Quaderno of 1457, the, 265 ff., 283, n. 2; of 1571, 286; of 1731, 414.
Quadrillas, 13, 51, 59, 219, notes 1 and 3, 322.
Quarto, 237, n. 4.
Quicksilver, 23.
Quintar, 237, n. 4.
Quintas, 57, 237.
Quinto, quinta, 191, 237, n. 4, 428.
Quixote, Don, 19, n. 2.
Quorum, at Mesta meetings, 50.

Rabadan, 5, 24, 56.
Rafala, 5, 12.
Rahala, rehala, 12.
Railways, now used in Spanish sheep migrations, 19, n. 3, 349.
Rambouillet, France, merino sheep at, 47.
Ramonear, 306, 320, 337.
Randall, Henry Stephens, 26.
Rastrojos, 92 f., 97, 144, 304, 328.
Raymond of Burgundy, governor of Galicia (1093–1107), 169, n. 1.
Raymond Berenger IV, count of Provence (1209–45), 143.
Real de Manzanares, 51.
Real estate, the Mesta's investments in, 284.
Rebaños, 24, 29.
Rebeldia, 216.
Rebujales, 264, n. 2.
Receptores, 54.
Regarder, the, in England, 67.
Regidores, 103.
Regionalismo, 235, 352.
Registration, fees for, 248, 276.
Repartimientos, 134, 248 f.
Residencia, 52, 108 f.
Reusero, 13, n. 2.
Revendedores, 41 f., 45, 47.
Rey pájaro, 58, n. 1, 427.
Riaza, 50.
Ribagorza, 156.
Riberas, 13, 266, n. 2, 283, 327.
Riberiegos, 13, 266, n. 2, 283, 292, n. 4, 327, 341.
Rio Salado, battle of (1340), 191, n. 2, 260.
Roda, 210, 428.
Roman Empire, the, sheep taxes in, 140 ff.
Ronda, 184, 186, n. 2, 188, 240, 268, n. 2, 428.
Roumania, 140, n. 1.
Royal Association of Teamsters, 22 f.
Royal Council, the, 32, 52, 83 ff., 87, 91, 93, 94, 104, 107, 114, 115, 116, *et passim*.
Rubios, Palacios, President of the Mesta and legal adviser of Ferdinand and Isabella, 6, 49, 279, 280, 325.
Rufala, 242, 428.
Ruiz de Castejon, Juan, court attorney of the Mesta, 233, 234, 235.
Rural districts, maintenance of order in, 67 f.
Rurales, 89, n. 1.

Saca, 158, n. 3, 428.
Sahagún, monastery of, 164, 402.
St. John the Baptist's day, 10, 58, 391, 392, 428.
Sala de Mil y Quinientas, the, 129 ff., 249, 343.
Salamanca, 19, 22, 23, 123, 162, n. 1, 169, n. 1, 416 f.
Salina, 289, n. 1.
Salt, transportation of, 23; provided for the flocks, 25; exemption of the Mesta from the salt tax, 25, 292; excessive salt taxes, 204, n. 3, 248; monopoly of, 286.
Sanchez de Tovar, Fernán, 81.
Sancho IV (the Bravo), king of Castile and León (1284–95), 77, 91, n. 1, 181, 182, 185, 188, 189, 240, 258, 355, 375, n. 1.
Sancho III (the Great), king of Navarre, including Aragon (970–1035), sometimes called 'Emperor of Spain,' 162.
Sandwich, customs reports of, 34.

Sanjuaniegos, 93.
San Martín, church of, in Madrid, 50.
San Sebastián, 34, n. 1, 35.
San Severo, 155.
Santa Juliana, monastery of, 164.
Santa Maria del Paular, monastery of, 61.
Santa Maria de Nieva, Cortes of (1473), 211, 269.
Santander, 34, n. 1, 35.
Santiago, military order of, 214, 239, 263, 264, 271 f., 418.
Santiago de Compostella, 171 ff., 177, 281.
Santo Domingo, 9.
Saracens, the, 5.
Saragossa, 216, 218, 276, 410, 417. *See Casa de Ganaderos*.
Saxony, merino sheep in, 47.
Scotland, 140, n. 1.
Scriptura, 154, 254.
Segovia, 8, n. 2, 19, 23, 28, 29, 34, n. 1, 39, 42, 46, 50, 51, 113, 184, 231, 234, 281, 287, 322, 410; bishopric of, 51; *comunidad* of, 99, n. 3; law of (1390), 129; *quadrilla* of, 51.
Sempronian laws, the, 154.
Seneschals, 67.
Separatism, 86, 104, 230, 246, 252, 278, 343, 352, 356.
Sepúlveda, 165, n. 3, 199, n. 3.
Serranos, 61.
Servicio, 58, 186, 257, 280, 327, 354.
Servicio de ganados, 186, 256–261, 354.
Servicio de montazgo, 261.
Servicio y montazgo, 53, 149, 157, 173, 178, 186, 190, 198, 222, n. 2, 255, note, 257 f., 261, 262, 263–269, 270–280, 283, 284, 286, 287, 288, 292, 354; ordinances governing its collection (1457), 391–397.
Seville, 10, 23, 75, 77, 106, 112, n. 2, 174, 182, 217, 234, 410, 417.
Shearers, 29.
Shearing, 29.
Sheep dogs, 24 f., 56.
Sheepfold, 25.
Shepherds, life and duties of, 56 f.
Sicily, 163, n. 2.
Siete Partidas, see *Partidas*.
Siguenza, 19, 50, 91, n. 3; bishopric of, 51.
Silver fleets, the, 275, 321.
Simancas, 119, 403, 408.
Siruela, 50.
Sisas, 58.
Skins, 25.
Smith, Adam, economist, 346.
Sogas de marco, 18, 89.
Soria, 12, 19, 28, 29, 50, 51, 184, 212, n. 1, 281, 287, 322, 410, 417; *quadrilla* of, 51.
Soruela, Duke of, 232.
Southampton, customs reports of, 34.
Spanish America, effort to introduce the Mesta into, 8 f.
Spanish March, the, 149, n. 5.
Spanish Succession, war of the, 57, 131, 343.
Stationes, 154, 155.
Strays, *see Mostrencos*.
Subdelegados, 347.
Subsidies, 54, 88, 117, 119 ff.
Sweden, merino sheep in, 47.
Swine, 24, 337.
Switzerland, 140, n. 1.

Tagus, the, 19, 112, n. 2.
Tajados, 203.
Talavera, 19, 22, 50, 252, 280.
Tarazona, bishopric of, 51.
Taxation of sheep, 139–294; sheep taxes in the Mediterranean region, 139–160; mediaeval sheep taxes in Castile, 161–175; local taxes during the rise of the Mesta (1273–1474), 176–207; local taxes under Ferdinand and Isabella (1474–1516), 208–226; local taxes under the Hapsburgs and early Boubbons (1516–1836), 227–253; mediaeval royal sheep taxes, 254–269; royal sheep taxes of the autocracy, 270–294; terms indicating local taxes levied upon sheep, 423–428.
Tax receipts signed in blank, 267.
Teamsters, Royal Association of, 22 f.
Temple, Order of the, 171, 172.

Tenorio, Juan, 81.
Terra cotta ware, 23.
Teruel, 51, 99, 148, 299, 344, 417.
Thieves, 25, n. 1, 97, 184.
Three-field system, in Spain, 21, 320.
Tierras abiertas, 301.
Tiles, 23.
Toledo, 21, 22, 23, 75, 100, 162, 167, 174, 231, 234, 252; archbishopric of, 122 f., 196; Cortes of (1480), 210 f., 247, 272 ff., 319.
Tolls on sheep, 140–294, 353, 391–397, 423–428.
Tordesillas, 22.
Toro, 22, 231.
Town leagues, *see Comunidades*.
Trade, between migratory shepherds and the sedentary population, 30; significance of the Spanish wool trade, 34. *See Alcabala*, Export duties, Fairs, Import tariffs, Marketing, *Merchaniegos*, Mercantilism, Middlemen, Wool 'futures.'
Traités de lies-passeries, 298.
Transhumantes, 7, *et passim*.
Tratturi, 17, 155.
Travesio, 250, 266, n. 2, 274, n. 2, 283, 292, n. 4.
Tres tanto, 238, n. 1.
Tribunale della dogana della mena delle pecore di Puglia, 155.
Trimming of trees for fodder, the, 190, n. 6, 301, 306 f., 320 f., 337.
Tripoli, 285.
Trujillo, 274.
Tudors, the early, agrarian England of, 314 ff.
Tunis, 142, 281.
Turdetania, fine wools of, 3; reddish wool of, 6.
Turks, campaigns of Philip II against, 15, 239, n. 2, 275.

Úbeda, ordinances of the town mesta of, 361–363.
Uclés, 74, 271, 272.
Universality, idea of, 51, n. 1, 79, 262.
Urbassa, 151.
Urn, used in Mesta elections, 52, and Plate.
Urraca, queen of Castile (1109–26), 169, n. 1.
Usury, 76.

Valencia, city, 32, 38, 157.
Valencia, kingdom, 157; sheep highways in, 17; sheep taxes in, 150, 157, 198; privileges of sheep owners in 299, n. 1; fiscal history of, 418.
Valladolid, 22, 23, 46, 112, 113, 114, 115. *See Chancillerías*.
Valle de Lozoya, 51.
Valpuesta, 164.
Vaquerizos or *Vaqueros*, 56, n. 1.
Varas, 18.
Varro, 69, 153.
Vasquez de Acuña, Lope, 81.
Vecinos, 228, 332, n. 3.
Veedores, 212, 274.
Vega, Garcilaso de la, poet, 237, n. 3.
Veintena, 261.
Velasquez, representations of shepherd dogs by, 25, n. 1.
Veredas, 20.
Viceras, 24, n. 6.
Vierzo, 23.
Villafranca de la Puente del Arzobispo, procedure in the court of an alcalde entregador at (1457), 376–381.
Villalon, 174, n. 2.
Villa Nova de Gaia, 152.
Villanueva de la Serena, 50, 411.
Villa Real, 190.
Villena, Marquis of, *see* Pacheco.
Vineyards, 18, 89, 97, n. 2, 303, 304, 305, 319, 340, 341.
Vinuesa, Juan de, 215.
Visigoths, the, migratory sheep industry of, 15; laws of, relating to sheep, 11, 18, 417.
Vitoria, 23.

Wages, 58 f.
Warehouses, 29, 47.
Wars of the Roses, Spanish, 194.
Weavers, 38, n. 1.
Weiss, Charles, 247, 421.

Wine, demoralization caused by, 56, n. 2, 58, 340; increasing demand for, 326.
Winesellers, itinerant, 58.
Wolves, 25, n. 1, 57, 97, 334; bounties on wolf scalps, 144, n. 2, 248.
Wood, transportation of, 23; liberty to cut, 164.
Wool 'futures', dealings in, 41 f.

Ximenes de Cisneros, Francisco, 6.

Yecla, 199, n. 3.
Yuste, 329.

Zagal, 5, 24, 56.
Zag (Isaac ?) de la Maleha, 180.
Zallaka, battle of (1086), 162, 167.
Zamora, 19, 22, 194, n. 1, 281.
Zarra, 199, n. 3.
Zincali, 57.
Zorita de los Cañes, 165, n. 3, 417.